

ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Environment, Land Acquisition & Planning Committee was held in the Rose Y. Caracappa Auditorium in the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on September 4, 2001, at 3:15 P.M.

MEMBERS PRESENT:

Legislator Bishop, Chairman
Legislator Michael Caracciolo, Vice Chair
Legislator Ginny Fields
Legislator Vivian Fisher
Legislator George Guldi
Legislator Cameron Alden
Legislator Allan Binder

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Nicole DeAngelo, County Executive's Office I.R.
Allan Grecco, Director, Suffolk County Real Estate Department
Tom Isles, Director, Suffolk County Planning Department
Lauretta Fischer, Suffolk County Planning Department
Peter Scully, Commissioner, Suffolk County Parks Department
Ben Wright, Department of Public Works
Richard LaValle, Department of Public Works
Jim Dobkowski, Presiding Officer Paul Tonna's Office
Kevin Duffy, Budget Review Office
John Turner, L.I. Chapter Nature Conservancy
Richard Amper, L.I. Pine Barrens Society
Julie Penny, South Fork Groundwater Task Force
Fred Pollert, Director, Budget Review Office
Tim Hopkins, SCWA
Stephen Jones, Suffolk County Water Authority
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 3:55 P.M.)

LEGISLATOR CARACCIOLO:

We will commence with the meeting of the Environmental and Acquisition Committee. The Chair, Dave Bishop has temporarily excused himself and requested that we commence. So I will call the committee to order and start with the Pledge of Allegiance to be led by Legislator Fields.

(SALUTATION)

LEGISLATOR CARACCIOLO:

Okay and would the Clerk note that all members are present. I know Legislator Binder and Alden are here waiting for this slight postponement. So all members are present and we will go to the cards. I see there are three cards. Steve Jones is the first speaker.

LEGISLATOR ALDEN:

Did anybody pass out agendas? I'll look on the a --

LEGISLATOR CARACCIOLO:

Good afternoon Steve,

MR. JONES:

Good afternoon.

LEGISLATOR CARACCIOLO:

You can start this.

MR. JONES:

You want me to start?

LEGISLATOR CARCCIOLO:

Yes, please.

MR. JONES:

Okay. I'm here to comment on Introductory Resolution 1877. This is a resolution to authorize an agreement between the Suffolk County Water Authority and the Suffolk County Department of Public Works. The New York State Laws and Building Codes require that the Suffolk County Water Authority get Building Permits and some sort of certificates of compliance to the Building Code. And our preference is to work with one entity in our service area rather than all the Towns and the Villages, some of whom have expertise in some of the specialized structures and buildings and systems that we install. And some of whom don't have that expertise, we would prefer to just deal with one entity throughout and that would be -- we've elected to request this of the Suffolk County Department of Public Works. They've agreed to take it on and so it's embodied in this piece of legislation. If the Suffolk County Department of Public Works is unable to take on this work, they can contract it out to professional services if they choose. We will pay for whatever costs are associated with these reviews.

CHAIRMAN BISHOP:

Okay. That was going to be my question. I appreciate that sentiment but I don't think the resolution actually reflects that at this time. So is this something that needs to be passed post haste or can we make the amendment that you'll pay for the --

MR. JONES:

Well, it does say that whereas the Water Authority shall compensate the County for these services.

CHAIRMAN BISHOP:

But the whereas doesn't cut the mustard.

MR. JONES:

Okay.

CHAIRMAN BISHOP:

The resolve cuts the mustard.

MR. JONES:

We do have a number of --

CHAIRMAN BISHOP:

So I mean you don't have to come back. We understand you're requesting this. I'm sure it will be approved as long as we're -- you know, as long as the County is compensated, so we'll just make that change.

MR. JONES:

Okay.

CHAIRMAN BISHOP:

And pass it next time.

MR. JONES:

Okay. Thank you.

CHAIRMAN BISHOP:

Thank you, Steve. Is that correct members? Right? I'm speaking for the body? Yes. All right, so motion to table until next meeting and we're going to make that change that Counsel recommended. All in favor? Motion to take it out of order by myself, second by Legislator Binder. 1877 is now before us. Motion to table, second by Legislator Binder. All in favor? Opposed? It's tabled.

I.R. NO. 1877 Authorizing an agreement with the Suffolk County Water Authority for Building Code compliance services. (County Executive)

VOTE: 7-0-0-0 TABLED

LEGISLATOR ALDEN:

Mr. Chairman? Oh, just before we do a lot more voting, if I could get a copy of the agenda?

CHAIRMAN BISHOP:

Oh no, absolutely not.

LEGISLATOR ALDEN:

I appreciate that.

CHAIRMAN BISHOP:

We're not going to do anymore voting. I just did that as a courtesy to the speaker. Mr. Amper? An agenda?

MR. AMPER:

We have a -- the environmental community has been advised by the County Real Estate Department that all of the Land Acquisition Programs in the County are now over-subscribed and we will simply be out of the land buying business by the end of the year, unless we are able to move ahead with the Quarter Penny Cent Drinking Water Program. And that would require, we think, borrowing somewhere between sixty three and seventy five million dollars depending on the Legislature's bent or the County Executive's bent on the Environmental Facilities Corporation. While there are some -- continue to be some minority disagreements about whether or not this is something that the County can do, we think it's something the Legislature is committed to. You ought to find the way to do that. We don't think that Environmental Facilities Corporation is going to give you seventy five million dollars, if they can't and we think none of us wants to be out of the land buying business. And I mean I hope I'm speaking for the members of the Legislature as well.

We've been working very hard to identify priorities. Clearly, this Legislature will decide on a year to year basis how far you want to go but we think the secret to success in this program is to buy the land while it's still available and while it's more affordable. It's disappearing at a very rapid rate and as a result, some of the land that we want to acquire won't be there if we delay. And moreover, we're almost certain that we will be paying a whole lot more for it, if we don't acquire it while we can. So this body has been responsible for more than thirty years for one of the most progressive Land Preservation Programs in the country and we want to help keep you in the business. Help you. be supportive of you throughout the process.

We hope that anything that the environmental community can do you'll call on us to do. We want to be absolutely supportive as we can, if we move swiftly. If we apply, as the County Executive has to the Environmental Facilities Corporation and they provide these dollars, we're confident that the Real Estate Department can keep this going. Sixty-two and there's a resolution before you today, which we think represents a better number. But the fact of the matter is timing. It is really critical because this Real Estate Department has been --

CHAIRMAN BISHOP:

Has application been made or is it going to be made?

MR. AMPER:

It has been made.

CHAIRMAN BISHOP:

And if we pass the resolution, we would make a second application, is that correct?

MR. AMPER:

We would simply adjust the amount requested from sixty-two to seventy-five.

CHAIRMAN BISHOP:

Thank you.

LEGISLATOR CARACCILO:

Just on that point Mr. --

CHAIRMAN BISHOP:

Legislator Alden is actually next.

LEGISLATOR CARACCILO:

Just on the point of the application and the amount, two points. First the Ad Hoc Group that consisted of the five major environmental, six major environmental organizations in Suffolk County that met over the better part of late June and July, with Legislator Fields, Fisher, Carpenter and myself, culminated those meetings with a meeting with EFC officials. At that time, EFC did not represent anything more than they would permit Suffolk County to submit an application, an application deadline, which had already expired and extended. And we met their new extended deadline with an application. It was my impression and I would like to have Mr. Isles come up because I believe that it was through the Planning Department that we actually submitted this application. And for the benefit of the Legislature and this committee, what exactly did we submit? It was my understanding it was going to be a generic application. Just something to get us in and before EFC officials for consideration at a later date, because if you can just explain to the committee how the process works with EFC, there are two borrowing periods, one in the fall, one in the spring. And we were hoping to at least get in the game, if you will, by submitting the application. So if you could just amplify on the process?

MR. ISLES:

Yes, very briefly. I was specifically asked by the County Executive to work on a request for a listing in the intended use plan for the Environmental Facilities Corporation. And when I spoke to EFC, Environmental Facilities Corporation, they specifically said it's not an application at this point. What you're requesting with the County of Suffolk is requesting is to get in their IUP or intended use plan. So here again, based on the direction, we did prepare that information for the EFC. The amount that was specified in there was sixty-three and a half million dollars. Part of which was most likely intended for some recent acquisitions to refinance those at a better interest rate and the large part of it for anticipated acquisitions, if the Legislature so chose to go in that direction. What would then have to happen is if this were to go forward, if the Legislature were to choose to do this, then the intended use plan then gets published in October, listing the approved projects. The municipalities, the County of Suffolk could then make a specific application, if it chose to do so for a specific financing at that time. So stage one, yes it was a generic application. It did not list specific parcels. Stage two, from October going to probably May of next year would be specific applications, specific dollar amounts and specific parcels at that time.

LEGISLATOR CARACCILO:

Okay, in terms, of the language intended use plan, could you define for us what that means?

MR. ISLES:

My understanding of it is that it's a listing of projects that have requested financing for the

Environmental Facilities Corporation. There was a public comment period that extended, I believe, from late May to the beginning of August to enable the public to comment on which projects should be funded or financed through EFC and what shouldn't and so forth. So in this case, the intended use plan is the document that guides the Environmental Facilities Corporation in subsequent steps to actually provide financing.

LEGISLATOR CARACCILO:

Okay and just to conclude? So we have a sense again of the process? The public comment period is closed. The purpose of that is to allow the public, the general public throughout the State of New York an opportunity to come in and speak for or against those applications that EFC will consider for funding. Did EFC specify or put a ceiling on the amount that they believe Suffolk County should consider?

MR. ISLES:

I'm not aware that EFC put a limit on the amount. The only comment I will pass along to you is that in my discussions with EFC, they've indicated that there would be great concern with over asking. So understanding that there are needs by the County of Suffolk, in terms, of low interest financing of real estate acquisitions, I think the EFC understood the benefit of that, in terms, of the objectives and their program of clean water and drinking water. But I did understand that we should not ask for a ridiculous amount that we could not possibly spend two hundred million, whatever the number may be. But they did feel we had an obligation on the County's part to assess what we could reasonably expend in our program and so that was the only constraint I was informed of by EFC. There was no dollar cap that I was aware of.

LEGISLATOR CARACCILO:

Okay. Let me ask you before we go on? Because it's relevant to this whole issue of how much should we consider borrowing. If there are no limitations being placed on us by EFC, then the obvious question I have to raise is looking at a packet and not the packet but now the committee agenda, there are scores of resolutions that have been introduced in the last -- over the summer by Legislators in probably half the Legislative Districts in the County for environmental acquisitions. Mr. Amper indicated and I are in agreement that based on our conversations, we are at a point where beyond 2001, the County's finite ability to fund environmental acquisitions would be expended. We won't have funds, except for maybe the Multifaceted Fund, which is only thirteen million dollars. And even there, given again, the resolutions before this committee that thirteen million could evaporate very quickly. So clearly, we have identified the need for additional funding.

We now have authority by virtue of first the County's Home Rule request, the County Legislature's Home Rule request and the subsequent authorization by the State Legislature in late May that authorized us to borrow from this dedicated thirteen year extension of a Quarter Percent Program. Where I am moving, where a majority of the Legislature is moving is to identify a dollar amount, so that we could get into the next phase with EFC and actually have an application not only reviewed but considered and hopefully considered favorably for something more than sixty two and a half million dollars. Because I think clearly, the list of resolutions, plus what we know are properties that should be preserved that are under imminent development pressures. We need more of than sixty-two and a half million dollars.

In the Town of Riverhead, the initiative we kicked off in January, has resulted in my last conversations with Allan Grecco to where we're approaching nine or ten million dollars of either, I know we closed on one parcel. We have 7 or 800 acres and need a contract and negotiation and then probably going higher. I know the Supervisor of the Town of Riverhead right now is promoting that as his program. We know it's a County Program.

MR. AMPER:

It is?

LEGISLATOR CARACCILO:

So the money is coming from the County for the most part and the component or the

resolution that's sponsored by, right now nine and I believe in the end, twelve or thirteen Legislators that two resolutions that I'm prime sponsor on for EFC borrowing, has a farmland component in there. Where do we stand with EFC, in terms of funding or letting us bond to low interest bonds for farmland preservation efforts? Because there is -- you know we had a lengthy discussion about that at the meeting with EFC back on July 30th. Do we know anything more about where they stand on that issue?

MR. AMPER:

The Long Island Farm Bureau had supplied them with information as to how they could, in fact, improve drinking water, even in an industry where there has been difficulty with drinking water protection. And we think that's moving ahead with respect to your other numbers, you understand that the Environmental Facilities Corporation, the State Revolving Fund is already provided to the five East End Towns more than the County Legislature is asking for under their 2 percent Real Estate Transfer Tax, the Community Preservation Fund. So clearly, the County is good, at least it's good for it -- as those five East End Towns are concerned and with the expedited role of the Real Estate Department, they are now doing more land purchases in the year than they ever had previously. It's very, very clear to us that they are able to meet the challenge if they have the commitment of the Legislature and the funds from the State Revolving Fund to do it. We're talking about zero percent the first year. We're talking about a maximum of two and a half percent; it just doesn't make sense not to do it.

LEGISLATOR CARACCILO:

Mr. Isles just to quickly recap. Did I overstate that the County would be in a precarious position if we didn't proceed with EFC borrowing sooner, rather than later? We would be in the position of running out of County available funds, unless we expended the County's own good faith bonds, which we didn't, in a couple cases last year. Shadmoor comes to mind, Jacobs Farm and a few other properties. That's always an option for us. But in the absence of us pursuing that option and really saving the taxpayers and providing the taxpayers with the benefit on the EFC of low interest borrowing, is there a reason why you would say we could wait until next year to do this, as opposed to expediting the process now?

MR. ISLES:

Well, as I said, the only comment I did want to pass along is we think and the County Executive has certainly filed for the IUP that it's something that we think the Legislature should consider. And obviously, your legislation, recent legislation, reflects that in the increased amounts and so forth. So we think it's a good idea. We think it's obviously, something this committee has talked about, in terms, of should the County bond, should the County not bond. What's the crystal ball hold, in terms, of the future? Will land values continue to go up or they go down? None of us know that. But all things considered, we do think that there is a factor to be said that we are developing rapidly.

We are a County of one point four million people. Our saturation is one point six million people and there is something to be said about if we wait thirteen years, it's not all going to be here. So we support the idea of bonding this acquisition money, accelerating purchases and even though we did a record year last year for acquisitions and we're going to break that record this year, even if we do get the sixty two million, the sixty three and half million the County Executive has put in, we will break the record again with that money. But I think that the bottom line point is that we want to be able to go back to EFC in future years and go back with credibility and to some extent, maybe it's a guess, whether it should be sixty two million or seventy two million, whatever the number is. We just felt that that was a prudent figure based on our discussions with EFC.

If there is a figure that's more appropriate where we can do what is intended with the program of protecting groundwater and surface water at a higher number without compromising our future success with the EFC, sure I think that's reasonable to consider. But I think you should know and the committee should know that we were given this opportunity with EFC on a very fast timeframe and the work that was done was done in a matter of days. And we worked very hard with the County Executive's Office in getting this together, getting all the paperwork signed and so forth. We made a reasoned judgment, in

consultation with EFC and you know, I think, we can do an awful lot with that if we were to be successful in getting the --

LEGISLATOR CARACCILO:

I agree with you. I think it should be a collaborative process, which I attempted to do by organizing these meetings, inviting every Legislator and you as the Planning Director as the County's representative to all these meetings. Then to be blindsighted by an Executive Resolution that didn't even extend the courtesy of a phone call and say you know, we're thinking of moving to the next step and what does the Legislature do? There was no one I'm aware in the Legislature that was consulted in the least bit and is that -- I hope that doesn't portend a new trend in County Government, because that's a very dangerous one if we're going to go down that road. It takes two to tango in this County. It takes a legislative branch, as well as the executive branch.

MR. ISLES:

No question about it.

LEGISLATOR CARACCILO:

Culminate very successful in my Environmental Programs. And it has been this Legislature that has led the way in environmental protection. And I can show you and anybody who wants to see the record beginning with Greenways and just about every other major program. And Counsel has been here longer than I to proceed in this fashion that evolved a couple of weeks ago.

MR. ISLES:

Yes, in all due respect Legislator, the -- I think Suffolk County has got a fabulous record, in terms, of Open Space acquisitions. What this government has done collectively, it's a tandem government is that it's not just one-person government or anything. It has been outstanding. I will say and I'll just say it once again is that EFC was good enough to give a time extension to go to the end of the public comment period to file a request to be put on the intended use plan and there was an awful lot of scrambling in a very short period of time to do that. If we shouldn't have done that or if that should have been differently, I don't know and I'm not going to comment.

LEGISLATOR CARACCILO:

Oh, I think, we have to go to that next step. The next step is to identify, which of the resolutions and which of these acquisitions that are before us as a committee, should be considered, using the criteria that's laid out in another resolution that was laid on the table. That is before this committee to lay it out in a rational fashion with legitimate criteria and not on the basis of who gets, you know, the first resolution approved. That's not the way we should do things. I know you agree with that and that's the way we'd like to proceed. So just again, to now conclude my comments and my questions, what is your expectation as to when we will be in a position to actually gain approval from EFC or otherwise, in terms of the application that's been submitted or an amended application?

MR. ISLES:

In my understanding and my discussions with EFC is that we would hear from them in October. That's when they're producing their next cycle IUP, Industrial and Intended Use Plan.

LEGISLATOR CARACCILO:

Then there's no reason why the application we've submitted cannot be amended?

MR. ISLES:

That I don't know.

LEGISLATOR CARACCILO:

That's my understanding on that.

MR. ISLES:

That would be a question for EFC. I'd be happy to call them and ask but I don't know off hand.

LEGISLATOR CARACCILOLO:

We can do that as well.

MR. AMPER:

The only other observation that I'd like to make for the benefit of the committee is that sometimes the Legislature has been in a very difficult position trying to figure out which way the economy was going and we can't always know that. One of the things we can be certain about with respect to the remaining Open Space in Suffolk County is the law of supply and demand is not simply going to be overthrown, at any point at this point. The land is going to be more expensive. We can have a good economy or a bad economy. But land, the remaining few acres of land on Long Island is going to appreciate in price precipitously and I don't think any of you needs to worry that we might buy the land now and have the bottom fall out of it tomorrow.

LEGISLATOR CARACCILOLO:

John, if you would come up? I have a question because the Nature Conservancy for the benefit of those who may not be aware was very instrumental in this process that I mentioned over the summer providing the properties that should be considered. Given your previous experience in both County and State Government in Environmental Protection Programs, where does the Nature Conservancy stand on the process and how the Legislature should proceed?

MR. TURNER:

My name is John Turner and I serve as Director of Conservation Programs for the Long Island Chapters of the Nature Conservancy. Legislator Caracciolo, I can say that we certainly appreciated the opportunity to work with you and other members of the Legislature and the County Executive in trying to move forward, you know, with regard to a comprehensive funding package relating to Open Space acquisitions. We would concur, based on our experience and staff, land protection specialists that certainly, the trend in Suffolk County has been towards escalating land values. That there's been very few instances, in the past, where there's been actual downturn, a real downturn in economic value. There's been instances where it's flattened off and maybe on occasion, a fairly short period where property values may have dropped. But certainly, the long-term trend is pretty strong towards, you know, significant increases in per acreage value of land. So we certainly, obviously, agree that it makes a lot of sense to try to a --

LEGISLATOR CARACCILOLO:

I'm trying to get a sense though of a timetable. Would you and the Pine Barren Society and other environmental groups, would it be your preference, I don't want to put words in your mouth, so we need to hear from you how you feel about this. For the County to wait until, you know, we're actually out of money because we are rapidly approaching the point on the Environmental Programs, where we will expend all of our fund balances, probably in the next to six to nine months.

MR. TURNER:

Right. No we would hope that you wouldn't wait until such time that we would act pro-actively to put together the package.

LEGISLATOR CARACCILOLO:

So based on your experience or observations with the East End Towns, Southampton, East Hampton, in particular, where they have gone to the EFC and they participated in these semi-annual borrowers over the last two and a half years. From start to finish, when they submit an application, when do they actually get a check in their hand? When do the bond proceeds actually get to the governmental entity that's requesting them? Are we talking about October? When would we actually see -- ?

MR. TURNER:

My understanding is it would be a matter of months, at least, my recollection was Southampton, East Hampton that run that anywhere from four to six months.

LEGISLATOR CARACCILO:

So it wouldn't be too early to start right now with approving --

MR. TURNER:

In my experience, no.

LEGISLATOR CARACCILO:

Okay and that's the point I want to make. Because I'd like to see Mr. Grecco, in the Real Estate Division and I see a few more in the back there, you know, to have the means at their disposal to make these acquisitions a reality. I had a number of my colleagues in Western Suffolk, after our last committee meeting, I walked in the rain with Legislator Binder to look at a piece of property in his district. We'll talk about that in a little while but clearly, I don't think any of us want to be in a position where that actually happens, where we can't close a deal or we have a deal walk away from us, because we're waiting for some funding to come through.

MR. AMPER:

The Real Estate Division has consistently improved the County's capacity to do the deals, to buy the right properties and to disable them by simply raking the revenue stream at this critical point would be just a tragedy. The executive branch is pulling these deals off to everybody's advantage, Drinking Water Protection and Open Space Preservation. Every year better than the year before it.

LEGISLATOR CARACCILO:

You're being a real diplomat Dick.

MR. AMPER:

No, no, I think there have been and they obviously, depend on the Legislature that these things were born in the Legislature. Most of these programs were born in the Legislature and I hope that the Legislature will continue this partnership with the governments, the Town Governments, with the environmental community and with the executive branch.

LEGISLATOR CARACCILO:

Okay. Mr. Grecco, if I could just have you up here quickly, Allan to give us maybe a quick -- because I know you have the numbers at your fingertips here. You always do when I call. Where are we, in terms, of the large program fund balances? Let's take Greenways Open Space. Do you know what we actually --

MR. GRECCO:

I really wasn't prepared to go through fund balance.

LEGISLATOR CARACCILO:

I thought the Committee Chair had requested several meetings ago that at some point, we actually get this report?

MR. GRECCO:

I have for you a report of what we have spent and what we have closed for this year with acres, cost etc.,

LEGISLATOR CARACCILO:

Okay.

MR. GRECCO:

That I can distribute to you.

LEGISLATOR CARACCILO:

Okay. That will be helpful. And then we can just do some quick subtraction here; we'll know what we have left. Because I'm sure, you know at a moment's notice, how much money you have to spend.

MR. GRECCO:

Okay.

LEGISLATOR CARACCILO:

Someone in your office is keeping track of that.

MR. GRECCO:

Yes, well okay. At this point, as of today, we have spent over thirty two million dollars on 968 acres. Notable acquisitions include Wading Brook, the Campo parcel under Drinking Water, as well as Roman Catholic Dioceses and a tax default notice, Broad Cove. Under the Open Space Program, we had a whole number of dedications to Nature Preserve. Under Farmland, we have expended almost a million dollars. We have this --

LEGISLATOR CARACCILO:

Let's do it the easy way.

MR. GRECCO:

Easy way. What I have left.

LEGISLATOR CARACCILO:

All right.

MR. GRECCO:

That you want to know.

LEGISLATOR CARACCILO:

Partnership Program, for example? There are a number of resolutions --

MR. GRECCO:

Partnership is oversubscribed.

LEGISLATOR CARACCILO:

So right now --

MR. GRECCO:

You're oversubscribed --

LEGISLATOR CARACCILO:

All of the resolutions that are before this committee, the Land Partnership purchases cannot be favorably disposed of because we do not have --

MR. GRECCO:

Right.

LEGISLATOR CARACCILO:

It's important that the members of the committee know that.

MR. GRECCO:

You have to understand where you have -- let's say where you have some room. You'd have about three million in Greenways Open Space but I take the position that that is a finite list that we're just working on.

LEGISLATOR CARACCILO:

All right.

MR. GRECCO:

So we're in the lower rung of those parcels.

LEGISLATOR CARACCILO:

But we have three million Greenways and Budget Review is keeping track of these numbers too in Open Space.

MR. GRECCO:

Greenways Active Parks, I would suspect we have about five to six million left that you can utilize that hasn't been either spent or in contract.

LEGISLATOR CARACCILO:

You have resolutions; however, that after you struck a deal with a property owner would expend that money?

MR. GRECCO:

Ah yes, but they're still -- come close --

LEGISLATOR CARACCILO:

That's kind of what I hinted at before when I said really, we're at a point right now but certainly, by the end of the year, where there will be literally zero fund balances and if not, all of these accounts, most of these accounts. Is that an inaccurate statement?

MR. GRECCO:

It is an accurate statement.

LEGISLATOR CARACCILO:

Accurate.

MR. GRECCO:

Yes.

LEGISLATOR CARACCILO:

Okay. If you could provide for us, by memo, the members of the Legislature, not just the committee, the fund balances in each of our accounts -- in each of our Environmental Program Accounts --

MR. GRECCO:

Okay.

LEGISLATOR CARACCILO:

That would be helpful and then we can continue this dialogue.

MR. GRECCO:

Okay. What I prepared for you is what was spent in each program with acreage etc.,

LEGISLATOR CARACCILO:

Okay.

MR. GRECCO:

For this year.

LEGISLATOR CARACCILO:

Okay, thank you.

MR. GRECCO:

I would anticipate -- based on just what we have in contract, if we make no new contracts

this year, we're going to be upwards of about fifty five million.

LEGISLATOR CARACCILO:

Okay.

MR. GRECCO:

Spent.

LEGISLATOR CARACCILO:

Legislator Binder, don't go away. I just -- for your benefit particularly, since you have a resolution before the committee. We do not have, according to the Division of Real Estate, fund balances to pay for a majority of the resolutions before this committee?

LEGISLATOR BINDER:

In Multifaceted?

LEGISLATOR CARACCILO:

Multifaceted now that's a thirteen million-dollar fund.

MR. GRECCO:

Right. I don't have access to it. It hasn't been approved. Where I could have some money -

-

LEGISLATOR CARACCILO:

Yes that's a 2002 Program.

MR. GRECCO:

Correct. Right.

LEGISLATOR FIELDS:

Can I ask a question?

LEGISLATOR CARACCILO:

Yes.

LEGISLATOR FIELDS:

Just what he gave us?

LEGISLATOR CARACCILO:

Go ahead.

LEGISLATOR FIELDS:

If we were to add the figures, would it come up to what we've spent?

MR. GRECCO:

I don't understand the question.

LEGISLATOR FIELDS:

You said he asked for what we have left.

MR. GRECCO:

Oh. No, I took this from the converse. I took this from what we have spent, as opposed to what we have left. I can easily get you that information.

LEGISLATOR CARACCILO:

I think --

MR. GRECCO:

Now if we also --

LEGISLATOR CARACCILO:

To really just simplify this, according to Real Estate, we do not have a fund balance in Land Partnership. Okay! And as the end of this year, we don't have a Land Partnership Program anymore. It becomes part of the new Multifaceted Program. At the end of this year, we don't have a Farmland Preservation Program.

MR. GRECCO:

That's correct.

LEGISLATOR CARACCILO:

Because that was rolled over into Multifaceted.

MR. GRECCO:

That's correct.

LEGISLATOR CARACCILO:

What do we have right now, just in the dedicated Capital Program under Farmland? What do we have as a fund balance?

MR. GRECCO:

It will be spent by the end of the year.

LEGISLATOR CARACCILO:

All right, so all that for purchase that's gone?

MR. GRECCO:

Yes.

LEGISLATOR CARACCILO:

What about Greenways Farmland?

MR. GRECCO:

Greenways Farmland again, is oversubscribed. We have spent half of it already on two acquisitions.

LEGISLATOR CARACCILO:

It would never have been on the South Fork.

MR. GRECCO:

Where we do have money, where we do have money, which has not hit my department yet is the Old Drinking Water Program. The difference between what was budgeted up to November 30th, 2000 and the actual. Those receipts, I believe, are somewhere between Budget Review and Budget Office and I understand there's about four and a half million dollars in there, which I can utilize for Pine Barrens acquisitions and outside the Core type acquisitions. So I'd like to see that get into my department. I've been told maybe September. I was also told maybe last February but that's another story for another day.

LEGISLATOR CARACCILO:

I think, we would all agree in terms of EFC that none of us proposed or suggested that we go out and bond up front the entire proceeds of a thirteen year program that's just begun. No one, not even the environmental community, with one exception has come forward and said you know we think the County should do that. Without exception, I think we're taking a very reasonable and sound approach and I think, it's going to really come down to the numbers, whether it should be sixty, sixty five, seventy, seventy five million dollars. I don't really see a big difference there in the County over extending itself, given the fact that we're talking about a dedicated fund.

MR. GRECCO:

Right, I would say if you want us to continue with the same rate we're going I need several things. We need the dedication. I need the monies from the old program, the old Drinking Water Program. We need an appropriation of the thirteen for next year, as well as the EFC loan or whatever amount.

LEGISLATOR CARACCILO:
Um-um.

MR. GRECCO:
With those funds and whatever fund balances I have with things in contracts, I believe that we can continue at the rate of a million dollars a week spread out over the next year or two. And I am -- trust me, I am the last person to agree with Mr. Amper on anything. But the one thing I do agree with him on is that the land is disappearing. It is shockingly disappearing. The prices that are coming back on the appraisals are quite high.

LEGISLATOR CARACCILO:
They're not getting lower.

MR. GRECCO:
They're not getting any lower. So if there is a will to continue these programs, then we're going to have to find funding from wherever and we have to find a way to get it into my department as quickly as possible.

LEGISLATOR CARACCILO:
So if you were given seventy five million dollars or a hundred million dollars, you would have the -- not only the ability but there are ways, there are property owners out there that would be willing to negotiate and close with the County on preservation efforts to the tune of seventy five or a hundred million dollars, not just fifty, sixty, seventy million dollars.

MR. GRECCO:
That would be correct as well. I'm just saying that if you do your appropriations and just get money in, we can continue this work, all right!

LEGISLATOR CARACCILO:
Well as of January then, all we could really count on at this point would be the thirteen million-dollar Multifaceted Program?

MR. GRECCO:
Not necessarily. As of January, not only would you have the thirteen million but you would also have the new Drinking Water Money for seven million of Open Space and four million for Farmland. Presumably you would have that.

LEGISLATOR CARACCILO:
That would be a total of twenty-four.

MR. GRECCO:
That's correct.

LEGISLATOR CARACCILO:
That would be a far cry from the need --

MR. GRECCO:
Absolutely.

LEGISLATOR CARACCILO:
And the demand that we all know is present right now?

MR. GRECCO:
Yes.

LEGISLATOR CARACCILO:

Okay.

MR. AMPER:

The only other observation I'd make is that the Real Estate Department has been buying, at the rate the land has been -- I think the Real Estate Parks Department is going to be challenged at this point. I think it's happening so fast that if -- look we were very, very enthusiastic about the notion that we could do a million dollars a week and that's what they're doing now. The answer is we do a million dollars a week for the next two years, we will, before 2002, is out start losing parcels to development that would have been preserved beforehand. That's how rapidly it's going. That is not in any way to say that the Real Estate Department is dragging its feet. I'm just saying with demand and the rate at which land is being lost to development is so great that we actually have to set new records every year just to keep up with it. And this Legislature, in my opinion, is going to be out of the land buying business for the first time in thirty years in the next five years.

You've got a thirteen-year program but the land ain't going to be there then. So anything you want, you gotta get now or it's not just going to be there. And I just think this Legislature has had such a successful program doing this, we can add it up, we can see the rate at which it's being developed. We've got people like the Nature Conservancy identifying. We've got people like the County's Planning Department applying the criteria that we've agreed in the past should be used to set relative priorities and we see the Real Estate Department increasing the rate at which it is able to do these deals every year. The only thing that's missing is the approval of the funding stream and we're praying to God you do it.

LEGISLATOR CARACCILO:

All right. So in terms of the numbers, what is the number that you and the environmental community feel can call us behind --

MR. AMPER:

On the basis of what it is that I have heard from you and your colleagues, I think that seventy five million dollars is a very good number. And I think that the County Executive and the County Legislature can evaluate this in six months or nine months and see whether or not, we're on track or off track. You can always go back to the Environmental Facilities Corporation, as you know, made it clear, you come back after the first six months, if you have the capacity and you have the parcels to be acquired, then we're happy to extend it further. We think this represents a good first start. We don't know how much better these folks are doing now that are able to do. We don't know how soon the first one we want to get we can't get. But we know it's going to happen pretty soon. So this is a real good first conservative start. The Environmental Facilities Corporation are going to give us more than they think we're good for.

We don't want to extend ourselves as Mr. Isles said we want to be able to continue this relationship. The folks on the East End have good relationships with the Environmental Facilities Corporation. They've been buying -- I mean they've been borrowing it anywhere from ten to thirty million dollars a clip. Of course, they're just Towns. We think seventy five million dollars is a good way to go to keep these people in business and you find yourself in the next spring cycle saying hey, we've got the capacity to turn up another fifty million dollars and preserve some of the land that's going to disappear. That's a decision that you people as a Leg -- you've never missed it before. You've always kept the program in place. Where we've had to borrow, we borrowed. Where we could wait, we've waited. It remains in your hands how much further to go. I think seventy five million dollars will get you there.

LEGISLATOR CARACCILO:

You answered my question. Same question to you John.

MR. TURNER:

Is it on? Oh, yes. I would concur with the seventy-five million-dollar figure. I think that was

the figure that we had been discussing through a lot of the planning meetings and it seems to be one that will certainly help address the need while being, you know, fiscally prudent and responding to the -- we know whatever concerns the EFC might have as Tom had expressed. So I think seventy five million dollars is the right figure.

LEGISLATOR CARACCILO:

Okay. Fred Pollert? If the County were to borrow from the EFC utilizing its capacity to bond the funds, what would be the savings over traditional borrowing for County taxpayers?

MR. POLLERT:

Generally, they have been able to provide a significantly lower rate approximately depending upon the degree to which it's subsidized one half of the rate that the County would be able to borrow. Now interest rates are lower. I don't know what the last subsidization would be but I would assume approximately one half.

LEGISLATOR CARACCILO:

About half of our traditional borrowing rate and/or cost?

MR. POLLERT:

That would be correct. That's what it has been in the past.

LEGISLATOR CARACCILO:

Okay. In terms of the County's overall indebtedness? Where would that place the County? Would it place us in any type of risk with respect to the rating agencies if the County were to go out and borrow fifty, sixty, seventy five million dollars under EFC?

MR. POLLERT:

No it would not but it would -- there are two factors, which really have to be considered. The first of which is that you would be limiting the borrowing, so that you would have an adequate coverage ratio on this dedicated revenue stream. Clearly, if you were willing to make it a general obligation bond and not have it tied to a revenue source; you could borrow a significant amount of money. But by tying it to the revenue source, you are limiting the amount that you can borrow. But clearly, twenty, thirty, forty, fifty million dollars when it has a dedicated revenue source. Even one hundred million dollars of it has a dedicated revenue source would not impinge upon the credit worthiness of the County.

LEGISLATOR CARACCILO:

And compared to a decade ago when the County went out and borrowed a hundred million dollars for Open Space Preservation, at then current market rates, under the County's own good faith and credit compared to this borrowing of let's say seventy five million dollars under -- through the EFC, there would be a substantial savings, if you were to compare, first of all, the overall dollar amount that you're borrowing is twenty five million dollars less, 25 percent less. But additionally, rates are less today and you're using a subsidized loan rate through the EFC.

MR. POLLERT:

Number one, you're borrowing less money. It would be a subsidized rate and the rates are lower. The first borrowing that we did of a hundred million dollars was also a double barrel bond, which was backed with the sales tax revenues at that point in time.

LEGISLATOR CARACCILO:

Would, in any way, manner, shape or form, going out and borrowing fifty to a hundred million dollars for environmental preservation through the EFC, be an irresponsible act by the County Government?

MR. POLLERT:

Not if it is tied to the revenue source. So the resolution that the proposed bonding resolution has a thirty-year life. What the previous resolutions had done would be to tie it to the revenue stream.

LEGISLATOR CARACCILO:

That's what the resolutions have introduced, do.

MR. POLLERT:
That's correct.

LEGISLATOR CARACCIOLO:
And that would be the preferable --

MR. POLLERT:
If you tie it to the revenue stream, there should be no impact on the County, in my estimation.

LEGISLATOR CARACCIOLO:
Okay, thank you very much. Thank you, Mr. Chairman.

CHAIRMAN BISHOP:
Did you solved the problem?

LEGISLATOR CARACCIOLO:
Well, we know they want seventy five million for the environmental community.

CHAIRMAN BISHOP:
Right.

LEGISLATOR CARACCIOLO:
They want it now rather than later.

CHAIRMAN BISHOP:
And we have -- to do that?

LEGISLATOR CARACCIOLO:
We have resolutions before us.

CHAIRMAN BISHOP:
Question, Legislator Alden.

LEGISLATOR ALDEN:
Hi. Dick, you made a, you know, a comment before that if there's anything that, you know, we can think of for you to do?

MR. AMPER:
Um-um.

LEGISLATOR ALDEN:
Well, I could think of a couple things. One thing is that Town Governments have been granting upgrades on these zonings. That kills us. Because now we're bidding against ourselves and we're working against the means of acquiring these properties. Because if it's more expensive, we're going to be able to acquire less property.

MR. AMPER:
Of course.

LEGISLATOR ALDEN:
So they've got to get on board. The other thing is and I notice some people are coming down from New York State and I'm going to say it's not lip service but New York State should step up to the plate. And if they do step up to the plate, they're going to take some of the burden off of us. For instance, what they're supposed to do in the Pine Barrens. That could take a little bit of a burden off of us. So if New York State does that and the local

governments can refrain from just granting any type of application that comes before them, I think that if we can get a handle on the evaluation, the other part is an observation.

Back in 1987, the stock market broke, similar to what happened, you know, recently with the stock market in the last year. It took a couple of years but I watched developments that were under construction out East. They were abandoned. Things that they were asking eighty, ninety thousand dollars for a building lot went on the auction block and ended up for two, three, five thousand dollars a piece, they were sold off. There was bankruptcies on some of the builders. So I'm glad you said, you know, like nobody has a crystal ball and can't really predict what's going to happen because something can happen. If this stock market slide does not stop, we can see some builders out there actually go bankrupt as what happened between 1987 and 1992. We could see abandonment of plans, you know, to actually do these subdivisions in this building. So property can become a little bit cheaper and that's you know, I don't root for that because that means that our economy is, you know, like down and we're going to be hurting on revenues from our sales taxes. But that's one thing that actually can happen.

The other thing I'm just going to point out is that when you said seventy five million dollars, that seems to be a compromise and really if you take part of the other statement that you made, as far as if land is going to run out in five years, seventy five million dollars is not the number. So if you're right on the one end, you're going to be wrong on the other. So again, that goes back to the crystal ball but I think it goes back to the question of, you know, what burden do we want to put on the taxpayers to preserve Open Space or to protect environmental type of lands.

Another thing that was mentioned and I didn't know we were going to debate the bill this early and I apologize, I was only in for part of your comments but you said the seventy five million dollars is fiscally prudent? What do you mean by that?

MR. AMPER:

You asked the question --

LEGISLATOR ALDEN:

Now, we're doing the tape. Now, we're all set. So if you can just maybe -- and Fred, you were the one who made the -- and I apologize for not seeing all your comments but you had made the comment before that seventy five million dollars was fiscally prudent?

MR. TURNER:

Yes, well it was based over the life of the program. The Open Space component bringing in, I think, a hundred and fourteen million and Farmland bringing in another seventy-five. I think that it was thought that a seventy five million dollar, you know, effort is something that the County could easily cover and yet would still respond meaningfully to the demand and the need that's out there for acquisitions.

LEGISLATOR ALDEN:

What do you mean that the County could cover?

MR. TURNER:

Over the thirteen life of the program, the Open Space component, I think is estimated and Fred knows more about this than I do. He can give you the most latest projections. But I think it's estimated to bring in a hundred fourteen to a hundred and sixty million and then the Farmland component is in the ballpark, I would think, of actually I've forgotten that figure but it's two fifteen. So to have a proposal at the seventy five million dollar level against those proceeds would seem to be prudent.

MR. AMPER:

It's only about a third of what the anticipated revenues are. Now, the anticipated revenues could fall off but we don't think by 70%.

LEGISLATOR ALDEN:

Okay but just and I'm glad you brought the point up because that was the next point I was going to make. Fiscally prudent policy is something that takes into account what's going on right now and our sales tax revenue is {nowheres} near what anybody projected it was going to be even last week or the week before and it continues to slide on us. So when you mention, as far as a fiscally prudent program, you know, I was wondering what elements that you took into consideration and you've kind of answered my question on the -- it's an overall statement that you made. Okay.

MR. AMPER:

There were other options.

LEGISLATOR CARACCILO:

Just to make the record clear on the numbers. The original projection is the two seventy-five. The numbers we're using presently of two fifteen have taken into account.

LEGISLATOR ALDEN:

Actually --

LEGISLATOR CARACCILO:

By the Budget Review Office, the recent trends in sales tax revenues.

LEGISLATOR ALDEN:

When I sponsored the bill and that's back a few years now, the projected revenue was probably close to 50 or 60 percent more than what it's actually coming in on now.

LEGISLATOR CARACCILO:

I'd be happy to let Budget Review comment because at my request, the last meeting we had with the Ad Hoc Group, Kevin Duffy prepared a new chart to delineate what the recent trends would reflect, so that we didn't use inflated numbers.

LEGISLATOR ALDEN:

That becomes relevant when we debate the bill.

LEGISLATOR CARACCILO:

Okay.

LEGISLATOR ALDEN:

I just wanted to comment on Dick. Dick had said, you know, like if there was things that he could do and I wanted to answer him. There's a couple things that I think that we --

MR. AMPER:

Let me talk to that also, because I want the Legislature know what is happening and what isn't happening. Yes, we are working with New York State. We think New York State can do more. But I think most of the Legislatures do not know that since 1993, when the Pine Barrens Act was signed that the State has provided a total of fifty four point seven million dollars to buying land in the Pine Barrens and elsewhere on Long Island and there is currently three million in contract. Now, are we -- do you think we're likely to talk to Albany about the need for increased participation? Of course we're going to do that. But I think a lot of the Legislators I've talked to thought that there was just complete abdication by the State that they were not honoring the commitment. And I do want to say that since then, we have turned to the State and said okay, what are you doing? What's your fair share in this process and I think that this Legislature may not appreciate how much the State is doing. Obviously, we appreciate how little the State is doing. So we're both working toward the same end here.

LEGISLATOR ALDEN:

When I made the comment to you, it wasn't to belittle or to imply that you weren't making an effort. What it was is an answer to the fact that if we're going to kick up our acquisition programs, you know, that we're taking on extra debt, which means debt service, which means we have to turn to the taxpayers who ultimately they have to -- they really have to

take care of the bill.

MR. AMPER:

Okay but I want to look at that for just a second because we are turning to taxpayers who approved this program resoundingly and we have a chance to buy this land at zero percent interest. Now, tell me how that's not the most fiscally prudent thing we could possibly do?

LEGISLATOR ALDEN:

Well, actually not to debate the merit of it because we're not debating the merit of it. But when I introduced the bill, the title of the bill is Pay-As-You-Go. So it basically is -- was a policy --

MR. AMPER:

Knowing your commitment to fiscal prudence, we've improved on that.

LEGISLATOR ALDEN:

And you know what? Actually, I'm encouraged by a couple of comments that I heard here. Because when you take on debt, it's going to take more than the program, the income you have from that program, the income stream. When you take on debt that goes beyond that, that's not fiscally prudent. That's nuts as far as I'm concerned. But now --

MR. AMPER:

The most conservative is two fifteen, you're taking on seventy-five, nobody could possibly quarrel with that.

LEGISLATOR ALDEN:

No but the timeframe, which Legislator Caracciolo has just mentioned is now more tailored to the revenue stream rather than just normal type of bonding.

MR. AMPER:

It will be very challenging for us to see how much we can borrow. How early, without putting ourselves at risk. But we're certainly not there this year.

LEGISLATOR ALDEN:

Okay and my other question is, as far as, when you add all the type of acquisition programs that we have that is a burden that you're going to be handing to the taxpayer.

MR. AMPER:

It can't.

LEGISLATOR ALDEN:

Well --

MR. AMPER:

They're gone.

LEGISLATOR ALDEN:

Okay.

MR. AMPER:

I guess I just have not gotten one point clear and that is, you don't have any other programs for which the taxpayers are paying.

LEGISLATOR ALDEN:

They're not gone because --

MR. AMPER:

They're over in January.

LEGISLATOR ALDEN:

They're not gone because we haven't borrowed all that money yet and when the taxpayer gets the bill. So my point goes to the commitment. If this legislative body wants to do that, that's great. That's what we're supposed to do. But there's other things going on in the County, where we're handing the taxpayer the bill. And when you start adding up all those bills that we're handing the taxpayers, then in this time of fiscal crises and I'm going to say fiscal crises because there's a lot of my neighbors getting laid off. And there's a lot of them that aren't going to get bonuses this year. And there's some businesses that are actually going out of business and there's going to be some hard times. And I see school taxes going up and I see other types of taxes that have increased rather than decreased. And I'm wondering how much my neighbors are going to want to pick up on that bill.

MR. AMPER:

And I agree with you.

LEGISLATOR ALDEN:

And that's why we have to sit and take a look at everything that's going on in the County rather than just like one little thing out of context.

MR. AMPER:

I agree. On the other hand, when we ask your neighbors, whether they want to spend their money on these programs, whether in good times or bad, they invariably say yes. Maybe they're not happy about some components of County Government.

LEGISLATOR ALDEN:

And that's great.

MR. AMPER:

But they love this and they keep saying if you'll earmark this, for this particular purpose, we'll give you more money.

LEGISLATOR ALDEN:

And that's great and maybe we're thinking about putting on any more acquisition type programs and that we're talking about putting them on as referendums, which, you know, I would be in favor of letting the taxpayers decide on that. But --

MR. AMPER:

In this particular case, I think they've already decided on this one. I think it's a question about going out and execute it. I think the executive branch is doing that now and the legislative branch will continue its commitment. We're all on the same path. I mean, I'd love to look for something to fight about but this ain't it. I mean, I just think they all agreed about this.

MR. TURNER:

Could I just respond to the one thing about the State also? That to let you know is that I was going to give the figure that they gave to you to give you some sense about the level of State commitment. A lot of that funding came through the Clean Water, Clean Air Bond Act, as well as some Farms through the Environmental Protection Fund, the State Fund. The State Environmental Protection Fund is only funded to the tune of about thirty five million dollars a year, which is I don't need to tell you, a less sum of money than Allan is spending here, in terms of the County commitment. So clearly, a State commitment from a statewide perspective for Open Space acquisitions is woefully inadequate. And we are -- I mean, you regularly see me or Stuart Lowrie or some other Conservancy Staff coming to the Legislature and they think that we're just constantly coming back only to the County Legislature for land acquisition dollars. Well that's not, in fact, the case. In fact, today, I didn't go to Albany for a planning session to meet with State elected officials relating to coming up with an alternative funding stream that's going to increase by an order of magnitude the State's commitment for land acquisition. So we're trying --

LEGISLATOR ALDEN:
Right.

MR. TURNER:
That is what I -- give you some sense that we're trying not just at the County level to secure public dollars but at the State level --

LEGISLATOR ALDEN:
Again --

MR. TURNER:
And in a meaningful adjustment or above what the State commitment currently is.

LEGISLATOR ALDEN:
And I think you're dedicated to that. My other point is and it was lumped up in a couple of other comments. New York State is not dedicated to do anything for us. Here's what they've done. They've actually increased our cost. Maybe it's not in land acquisition. Maybe it's other forms of government but they've increased our cost millions of dollars every year. They're the ones with the big surplus but it's built on Suffolk County taxpayer's backs. And then, for them to not step up to the plate and do what they're supposed to be doing in land acquisitions and some of these other programs that that's really not acceptable.

MR. GRECCO:
May I? A couple comments on your points. The land is not going to get cheaper because of the supply and demand. Just natural law says we're getting less land, it will stay high.

LEGISLATOR ALDEN:
I have to stop you right there though.

MR. GRECCO:
With the tax --

LEGISLATOR ALDEN:
I have to stop you right there. What happened in 1987?

MR. GRECCO:
All right.

LEGISLATOR ALDEN:
In '87 and '92.

MR. GRECCO:
Wait. I have an answer for that. Assuming the stock market is going down, it has been our experience that people are seeing their portfolios in the stock market go down and what they're doing is they're pulling that money out of the stock market and they're buying land. Thank you. On the East End, that's what is happening. People are taking their money out of the stock market buying land. They want to say number one, I could see it and number two, it isn't decreasing like my portfolio on Wall Street is.

LEGISLATOR ALDEN:
Same thing happened in '87.

MR. GRECCO:
But we don't see that happening. I'm just saying we don't see that happening, number one. Number two, carrying another point you had forward, you know we're talking seventy five million here, thirteen million there. We're not going to buy everything available. We know that. You know that. The whole question then is what then? What next? In other words, we had a Drinking Water Protection Program. We did a sixty million dollar bond act for Greenways, etc., We did this Preservation Partnership. We've always put money, money, money, money. At some point, we're talking about coming to the end of this. Are we -- is

this the end? Or are we going to, with all due respect to the environmentalists, hear from them next year after we've spent another fifty, sixty, seventy million and then they say now you need more money. It's something to consider.

My last point and I agree with you, in terms, of the State. If we are looking to get the best bang for our buck, whether we do the thirteen million Multifaceted whether we bond or we don't bond. We have this thing called the Pine Barrens with three thousand some odd acres that requires some form of public ownership and we seem to be the only game in town right now. We've estimated what? Anywhere between twenty to fifty million that will cost to finish. Whatever we can get from the State would be a bonus. So that you could take that entire bond, you're talking about for fifty million and just plop it in the Core. Is that what you want to do? I don't think so. So the point of it is let's understand, number one, the properties are not getting cheaper. Number two, whatever you vote on is not going to save the planet and number three, the more we can get State participation in the Core, whether it's TDR's or State acquisitions, every dollar we can get for them to buy in the Core is a dollar we can use outside the Core. And those are the only points I want to make and I think even he agrees.

MR. AMPER:

And I am -- I want you to be as enthusiastic as anybody up there and I want to say that I am sympathetic with your concern about what happened in 1987. But there were a hundred and sixty five thousand acres of land in Suffolk County that were in the real estate market in 1987. We're down to the last sixty three thousand acres of land. It really becomes a supply and demand thing and at some point, those market forces aren't tugging the same way they are when you've got this huge volume.

LEGISLATOR ALDEN:

No disrespect.

MR. AMPER:

I'm sorry, go ahead.

LEGISLATOR ALDEN:

No disrespect on this point. But you're coming at us with one point of view, preserve all the land. That stops development. It stops development. We have to balance out, number one, all kinds of programs in Suffolk County and we have to assign -- really a dollar value to those things and then hand the bill to the taxpayers. And number two, we are going to set policy that's really going to dictate whether senior citizen housing gets built, whether affordable housing gets built, whether any housing gets built in Suffolk County. Because if we buy up all these tracks of land, we're not going to build houses there. People are not -- so the normal expansion of the population that's taking place right now, we're going to be -- we're sending them a message then that the rest of the land is going to be -- we're going to try to preserve it, go elsewhere to live.

MR. AMPER:

Okay I just -- let's get a couple things straight then. We haven't built affordable housing on Long Island because the developers didn't want to build affordable housing. If we had not preserved the Pine Barrens, it wouldn't be an affordable housing site. We won't go into our downtown areas and do affordable housing where we should, where we've been advocating. All of what is called Smart Growth. But let's not confuse ourselves. It's not because this County is preserved Open Space that we're not doing affordable housing. It's because the industry hasn't built it. I don't find fault with what the government is trying to do on this front. Secondly --

LEGISLATOR ALDEN:

We build a lot of affordable housing.

MR. AMPER:

Again and I am simply saying if you have, you have. The development industry hasn't.

Moreover, when they build more houses, the cost of government services go up and the County taxes go up and the burden on the taxpayer goes up. They go up locally. They go up, in terms, of County services. So we're not just looking at this myopically from a standpoint of the environment. Whether you look at it economically or environmentally, this makes sense and it's our last chance to do it. I just don't think there can be any difference of opinion anymore. We've seen the consequences of over-development. You folks are trying to control it. We're trying to control it and we're not trying to buy every piece of Open Space out there. We just think there ought to be a little balance and this is the last chance to get it and the last fact is that if we know the land is not going to be there to have by 2005 or 2007, then waiting until 2013 to do it is pretty dumb.

LEGISLATOR ALDEN:

And I'm not looking for an argument here but one of the last points that you didn't address, what message are we sending to the children that are graduating from high school? The people that would possibly move to Long Island except for the fact that there is no housing market. We're not going to be building new houses. What would you say to people like that?

MR. AMPER:

What I'm saying to them is --

LEGISLATOR ALDEN:

Close our borders?

MR. AMPER:

No, I don't think you can close your borders. I think you know what your carrying capacity is. I would remind you that your borders are naturally closed. This is in the final analysis an island and there are a finite number of people who can come here and who can live here. We are approaching that. And we are either going to stop building shortly before or shortly after we reach that point. And I suggest to you that the development community will be in a much better position to go in and rebuild our downtown's, provide housing for a workforce, affordable housing in the areas where affordable housing belongs and where it can be built affordably, if we do Smart Growth and if we plan our preservation and our development more carefully than we have in the past. I agree with you. It's Town Government that's put us in the situation, not the County. County Government has been solving problems that Town Governments --

LEGISLATOR CARACCILO:

Okay, we're going to give Legislator Fields an opportunity to ask a question.

LEGISLATOR ALDEN:

I'm not done yet.

LEGISLATOR CARACCILO:

You have questions?

LEGISLATOR ALDEN:

Yes.

LEGISLATOR CARACCILO:

Are these questions or statements? Because all I'm hearing is statements.

LEGISLATOR ALDEN:

Mike, before you were making a whole bunch of statements too. I made a couple.

LEGISLATOR CARACCILO:

If you have a question, ask the question.

LEGISLATOR ALDEN:

I making questions.

LEGISLATOR CARACCILO:

Go ahead.

LEGISLATOR ALDEN:

And by that, you mean what?

LEGISLATOR CARACCILO:

Ask questions.

LEGISLATOR ALDEN:

All right. I'm glad to see we're pretty much like on the same page and that you have considered, as far as the population and things like that. Do you have statistics and like studies and things like that? That at some point in time you could share with us?

MR. AMPER:

Absolutely.

LEGISLATOR ALDEN:

That's one of the things that we actually, we absolutely have to look at affordable housing. What our population is going to be. Support services for that population. So if you could share some of that stuff with us, I really would appreciate it.

MR. AMPER:

Happy to do that.

LEGISLATOR ALDEN:

Thanks.

LEGISLATOR CARACCILO:

Thank you. Legislator Fields.

LEGISLATOR FIELDS:

This is a question to Commissioner Isles on a statement that he made before. I wonder if you could just come back up for a second, please? The statement, I think, I heard was that we have one point four million people who live in Suffolk County and estimates of one point six million are occurring and that you said something about a saturation and I wondered if you would just explain what you meant by saturation and maybe it might have something to do with what Legislator Alden just said.

MR. ISLES:

Okay, very briefly. My point referred to the fact that the current population of Suffolk County based on the 2000 Census is a little over one point four million people. What we did in the Planning Department some time ago is we looked at all the vacant parcels, privately owned parcels in the County and did an estimate if every vacant parcel was built at the current zoning, what would be the ultimate population of the County? It's called the saturation analysis and the population would be about one point six million, which is a growth of 13 to 15 percent roughly that's possible right now in Suffolk County. And just to put that into perspective, the original saturation population was done in the 1960's, anticipated a population of about three point six million people. So we're two million less than that number. But the point being is that we -- obviously, Western Suffolk is pretty densely developed. Eastern Suffolk is under rapid development pressure right now and there are limits. As we said, we are an island and we expect to grow by about another two hundred thousand people, we think, total.

LEGISLATOR CARACCILO:

On that point. Because you shared with me recently the saturation studies for the East End Towns and as you and I are both aware and maybe others should be aware that there are Towns like Southold that are looking at up-zoning Local Laws or changing zoning to 5 acre zoning, again, to reduce population growth and density and so forth and they may take that up before election day. In other Towns, you know, you don't have movements like that but

I'd be curious to know in the five Western Towns, out of that two hundred thousand and additional population growth or saturation for Suffolk County, where would it take place?

MR. ISLES:

Well, we do have that. I don't have that at my fingertips but I think, I can say pretty safely that most of it's going to take place more towards the undeveloped areas of Eastern Brookhaven.

LEGISLATOR CARACCILO:

Isn't that what this program is about? That we're talking about here, Preservation Program?

MR. ISLES:

Definitely and there's no question that the more land that's purchased, the less the population will be.

LEGISLATOR CARACCILO:

And the less cost for government services. There are studies after studies that verify that.

MR. ISLES:

And the other point too is that property is rezoned to lower density, in terms, of one acre to five acre and so forth and then of course that's going to affect future population, as well.

LEGISLATOR CARACCILO:

Thank you.

LEGISLATOR FIELDS:

Can I just finish that question with -- you're holding a planning training seminar kind of thing on October 2nd.

MR. ISLES:

October 3rd.

LEGISLATOR FIELDS:

October 3rd. Will you share with them who come to that meeting this whole point about saturation studies?

MR. ISLES:

Again, we're going to try to cram a lot into that meeting.

LEGISLATOR FIELDS:

I think that's the most important thing that you could possibly share with anybody about Smart Growth.

MR. ISLES:

Yes, there's no question about it. Legislator Alden has made the point that very validly so that there still needs in the community for affordable housing, for sustainable downtown's and communities and so forth. So we're trying to do two things at the same time, which is preserve Open Space, water resources, natural resources but enable our economy, our population to survive here and it's -- they're not in compatible of one another and in fact, they can be very capable in a sense that where should growth occur? Growth should occur where we need redevelopment, such as downtowns and so forth. So that's really what Smart Growth talks about and that's what we'd like to promote with our training seminar occurring on October 3rd.

LEGISLATOR FIELDS:

But it also, I think, one of the big points that it makes is where do we stop? You know, in a square block area that is mostly maybe condominiums and apartments, if there's a piece of Open Space there, do we put another condominium complex in there and another apartment dwelling because you have saturation? You're not just looking at it on the whole of Long Island or Suffolk County. But you have to look at it in another smaller sense too and that's

what you're going to be talking about with Townships, correct?

MR. ISLES:

Yes, now in -- I can't speak broadly on something specific like that, in terms, of a vacant parcel in the midst of a developed area. There may be cases where that parcel should be saved for various reasons. There may be cases, however, where that parcel should be developed in terms of in-filled development of using existing sewers and water supply and so forth. It's too broad at this point to make a general statement of that nature.

LEGISLATOR FIELDS:

Okay. I just -- I would appreciate maybe speaking with you in the future about some saturation studies. Thank you.

LEGISLATOR CARACCIOLO:

Okay, we have one more card. Julie Penny.

MS. PENNY:

I pass.

LEGISLATOR CARACCIOLO:

Okay. All right. Okay Mr. Chairman, we're done with the cards. I'd like to get to the agenda.

CHAIRMAN BISHOP:

Well done Deputy Chairman. Thank you gentlemen. Thank you Legislator Alden. I appreciate your dialogue. To the agenda. Do you all want to -- committee -- I mean Department Chairs want to come up? Commissioners, Directors, people with knowledge.

MR. ISLES:

We'll do our best.

CHAIRMAN BISHOP:

Why is Jim leaving? There's no leaving the ELAP Committee. It's a committee that goes on forever, as you well know. Are we ready? All right, Introductory Prime. These are the new resolutions. The first one 1796 authorizing planning steps for the acquisition of land under Pay-As-You-Go Quarter Cent Taxpayer Protection Program. Land adjacent to the Havens Estate, Town of Center Moriches. Community of Center Moriches, Town of Brookhaven. Legislator Towle's resolution. Do you have any comments? Start with planning.

MR. ISLES:

This would appear to comply with the criteria of the new Quarter Percent Program and -- I'm just checking my notes, I'm sorry.

CHAIRMAN BISHOP:

What criteria is it?

MR. ISLES:

The new Quarter Cent Program? There are five criteria that are contained in the statute and criteria include watershed, wetlands, SGPA Special Groundwater Protection Area and two others. One being surface --

CHAIRMAN BISHOP:

Under the Open Space portion. Okay.

MR. ISLES:

Yes, not under the Farmland portion.

CHAIRMAN BISHOP:

No, I mean under the -- there's a wetland. There's a --

MR. ISLES:
Water Quality.

CHAIRMAN BISHOP:
Water Quality.

MR. ISLES:
Right, which is separate. But the Open Space Program does include five criteria for acquisitions.

CHAIRMAN BISHOP:
Watershed, which is interesting.

MR. ISLES:
Right.

CHAIRMAN BISHOP:
It's like a double --

MR. ISLES:
It does include watershed, yes.

CHAIRMAN BISHOP:
That's right.

MR. ISLES:
So it would fall under that category.

CHAIRMAN BISHOP:
Okey Dokey. This is planning steps only.

LEGISLATOR CARACCIOLO:
Motion.

LEGISLATOR ALDEN:
On the motion?

CHAIRMAN BISHOP:
I guess he will not be able to collect taxes on this.

LEGISLATOR ALDEN:
Exactly right.

CHAIRMAN BISHOP:
You get it?

LEGISLATOR ALDEN:
I got it, right.

CHAIRMAN BISHOP:
Okay.

LEGISLATOR ALDEN:
On the motion?

CHAIRMAN BISHOP:
Yes, go ahead.

LEGISLATOR ALDEN:

Is this land presently the subject of a zoning change or is there a file for some kind of development?

MR. ISLES:

Not that I'm aware of.

LEGISLATOR CARACCILO:

Has anybody talked to the sellers preliminarily?

MR. ISLES:

No one from our department, Planning Department and Real Estate.

CHAIRMAN BISHOP:

How did we come to learn of this parcel?

MR. ISLES:

This was submitted by Legislator Towle. There were no discussions that I'm aware of with the department. Okay.

COMMISSIONER SCULLY:

This parcel is located directly west and south of the Havens Estate, which is a County Parks holding totally some 260 acres on the Great South Bay near the {Tour} River and residents of the community, I believe, bought this parcel to Legislator Towle's attention. The only reason I know is that they kept copying my office under correspondence. So they may be aware that there is a willing seller but I don't have any further information than that.

LEGISLATOR CARACCILO:

On the resolution, is this property surrounded by vacant land or is it surrounded by homes and subdivision?

COMMISSIONER SCULLY:

It's essentially surrounded by our holdings of the Havens Estate and then bounded on the west by a paved street.

LEGISLATOR CARACCILO:

So in effect, this would complement existing preserved Open Space?

COMMISSIONER SCULLY:

Yes sir, it would.

LEGISLATOR CARACCILO:

Okay. I have a motion Mr. Chairman.

CHAIRMAN BISHOP:

I have a -- is there a motion?

LEGISLATOR CARACCILO:

I made the motion.

CHAIRMAN BISHOP:

I have a motion to defer because we have a --

LEGISLATOR CARACCILO:

To which committee?

CHAIRMAN BISHOP:

No, defer consideration of this. Let's move on because we're missing a member and it might be a close vote and I don't want the stuff to come back. Authorizing planning steps for the acquisition of land under Pay-As-Go Quarter Cent Protection Program.

LEGISLATOR CARACCILOLO:

I want to make a motion.

CHAIRMAN BISHOP:

Land on Deer Pond.

LEGISLATOR CARACCILOLO:

I make a motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by myself. All in favor? Opposed? 1800 is tabled.

I.R. NO. 1800 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program. (Land at Deer Pond Road, Wading River, Town of Brookhaven. (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1802.

LEGISLATOR BINDER:

Do you have to say his name that way to be ready to run for Presiding Officer? I don't know if that's --

CHAIRMAN BISHOP:

I just liked it. I enjoyed it.

LEGISLATOR BINDER:

Oh, okay, I didn't know if that was like a pre-requisite to be in the Chair it was the Chair itself that caused you to pronounce his name that way.

CHAIRMAN BISHOP:

I just like it.

LEGISLATOR BINDER:

Okay.

CHAIRMAN BISHOP:

Enjoyable. Making a SEQRA determination in connection with the proposed Ocean Grounding Beds at Smith Point County Park, Fire Island, Town of Brookhaven.

MR. SABATINO:

That was what you directed the Executive to add to the bill at the last time, so it's academic.

CHAIRMAN BISHOP:

Strike it from the agenda. 1803 making SEQRA determination in connection with the proposed restoration and renovation plans for the Timber Point Clubhouse and Golf Course in the Town of Islip. Legislator Alden, are you satisfied with this one? Oh, Legislator Fields? All right. Do you want to move it? Motion to -- Commissioner Scully, when is that work going to be done?

COMMISSIONER SCULLY:

Just real briefly, I'll answer one question at a time. We came before the committee just explaining that we're hoping to appropriate monies for the purpose of planning renovation to the building itself at Timber Point, the Clubhouse, which is an historic structure. Our efforts up until this point have been focused on bringing the Golf Course itself back into shape. So the SEQRA resolution is simply that. It does nothing other than make the SEQRA

determination and we will be back to you with an appropriating resolution at the next meeting. We're hoping to bring things together in such a way that the Golf Course and the structure itself are completed at approximately the same time in 2003.

CHAIRMAN BISHOP:

I'm all for the structure being improved. But I just want to know is there a potential windfall to the vendor who operates out of the Clubhouse? Not the Clubhouse but the restaurant.

COMMISSIONER SCULLY:

I don't --

CHAIRMAN BISHOP:

Let's say we make the place spectacular and does he get to raise -- he or she gets to raise their rates and we don't benefit from that rate increase?

COMMISSIONER SCULLY:

I'll answer that in two ways and I'll answer the last question first. In the event that we were to take on improvements that would benefit the vendor, since we do have an agreement where we get a percentage of what their gross is, we would benefit Legislator Bishop. But more importantly, we're not, in this instance, looking to do any great expansion enhancement of the structure. Just that quite frankly, it's crumbling and we'd like to restore it so that it looks like what it should look like when the golf courses, the renovation is completed.

CHAIRMAN BISHOP:

Everybody wants to look good.

COMMISSIONER SCULLY:

We're not in a situation where we would be creating a windfall for the caterer, the licensee there, to answer your question directly. And in the event that there were any benefits to them, the County does get a percentage of gross base compensation.

CHAIRMAN BISHOP:

We get a percentage, okay.

LEGISLATOR BINDER:

Mr. Chairman?

CHAIRMAN BISHOP:

Okay.

LEGISLATOR BINDER:

Could I just --?

CHAIRMAN BISHOP:

Motion.

LEGISLATOR BINDER:

Could I --

CHAIRMAN BISHOP:

Sorry. Legislator Binder has --

LEGISLATOR BINDER:

How much has been spent on -- not obviously, none on the Clubhouse but how much has been spent on the course itself. Because I remember we bonded and I kind of lost track of how many bonds we did for this.

COMMISSIONER SCULLY:

I don't have the number at my fingertips but we're in the midst of two of the most costly aspects of the renovation project. The irrigation project is nearing completion. That was a million-dollar, one point one million-dollar project and the reconstruction of the gabion or construction of gabions for shoreline protection along the bay is now underway and that's a million-dollar project. So I'd say that we've committed almost two and a half million dollars --

LEGISLATOR BINDER:

And plus -- I know there were initial, at least, two hundred and fifty to five hundred thousand and other things. Those are the initial appropriations we made. So we're probably actually may be closer to three million dollars.

COMMISSIONER SCULLY:

We estimated at the time we came before the Legislature last December, comment to go on appropriation and it would end up being a three million-dollar job.

LEGISLATOR BINDER:

Okay.

CHAIRMAN BISHOP:

Legislator Fields.

LEGISLATOR FIELDS:

Two questions. One is in Coindre Hall, have we spent an equal amount of money, possibly more? And secondly, did this golf course, in its past years, create quite a bit of revenue when it was in good shape?

COMMISSIONER SCULLY:

I think that the answer to the first question with respect to Coindre Hall is that we have resources amassed to do significant work at Coindre Hall and haven't been able to expend it perhaps, as quickly as we would like and that's only due to the sort of the technical difficulties inherent in doing a historic project. So the resources have been provided for us and we have nearly a million dollars in Capital Funds appropriated for that purpose.

LEGISLATOR FIELDS:

My question was just in comparison. I think, I don't know why that question was raised?

COMMISSIONER SCULLY:

From a standpoint -

LEGISLATOR FIELDS:

I'm assuming.

COMMISSIONER SCULLY:

Of cost in benefit?

LEGISLATOR FIELDS:

No, I am assuming that the question was raised because someone might think that we've spent too much money for that park. So I was trying to compare it to another part to just -- you know, as a point. Have we paid as much in renovations and improvements in other parks as we are in this one? And then the second part of the question was if we were able to get this golf course and park in good shape, would we not be able to increase revenue?

COMMISSIONER SCULLY:

Oh, absolutely. The restoration at Timber Point should be a major boom for the County from a revenue standpoint and we're looking forward to that day.

LEGISLATOR BINDER:

What year is that?

COMMISSIONER SCULLY:

2003, we think we're going to be ready to rock.

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

We have a motion to approve, second by myself. All in favor? Opposed? 1803 is approved.

I.R. NO. 1803 Making SEQRA determination in connection with the proposed restoration and renovation plans for the Timber Point Clubhouse and Golf Course, Town of Islip. (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1805 authorizing planning steps for the acquisition of land under the Pay-As-You-Go Quarter Cent Taxpayer Protection Program. Land on Connetquot Avenue, Islip Terrace, Town of Islip.

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve, second by myself.

LEGISLATOR ALDEN:

On the motion, which property is this?

CHAIRMAN BISHOP:

This is the same --

LEGISLATOR ALDEN:

Oh, same property. Is there something that changed? The owners want to sell it now?

LEGISLATOR FIELDS:

What has not changed is the way that we approve planning steps and have done that in the past years in this Legislature and I don't see any reason why this should be any different. And when we talked before about complimenting a piece of property that was already there, we just spoke about that and another piece of property that no one knew whether or not the owner was willing to sell or not. And I don't think this should be any different nor do I think the majority of people think this should be any different.

LEGISLATOR ALDEN:

So in answer to my question, the seller still does not want to sell and have been adamant about that. Okay.

CHAIRMAN BISHOP:

Right, nothing has changed essentially. All in favor? Opposed?

LEGISLATOR ALDEN:

Opposed.

LEGISLATOR BINDER:

Opposed.

CHAIRMAN BISHOP:

Two opposed. The resolution carries.

I.R. NO. 1805 Authorizing planning steps for the acquisition of land under Pay-As-You-Go

1/4% Taxpayer Protection Program. (Land on Connetquot Avenue in Islip Terrace, Town of Islip) (Legislator Ginny Fields)

VOTE: 5-2-0-0 APPROVED

CHAIRMAN BISHOP:

We're going to take -- motion to take 1523. I'm going to go to 23 through 26 out of order. First 23.

LEGISLATOR GULDI:

23 is for --

CHAIRMAN BISHOP:

Second by Legislator Guldi. It's now before us.

LEGISLATOR GULDI:

On tabled resolutions, these are the appointments to the Groundwater Protection Task Force.

CHAIRMAN BISHOP:

Resolution approving appointment of Suffolk County Panel on Groundwater Protection, Dr. Robert Turner.

LEGISLATOR GULDI:

No, actually, Robert Turner is not John Turner, is that correct? The two that are here at the moment are Julie Penney and Dick Amper.

CHAIRMAN BISHOP:

1523 is before us. What do you want me to do? Table it or approve it?

LEGISLATOR GULDI:

I have a -- let's see, where is Robert? Actually my Aide -- I have to table that one.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Fields. It's too late. All in favor? Opposed?

I.R. NO. 1523 Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection. (Dr. Robert Turner) (Legislator George Guldi)

VOTE: 7-0-0-0 TABLED

LEGISLATOR GULDI:

Okay, the --

CHAIRMAN BISHOP:

Now --

LEGISLATOR GULDI:

Who is here next is 1524 is Richard Amper.

CHAIRMAN BISHOP:

Motion to take 1524 out of order. Motion by myself, second by Legislator Binder. All in favor? Opposed? 1524 is now before us.

LEGISLATOR CARACCILO:

Motion to approve. Richard is a constituent, I believe, right?

CHAIRMAN BISHOP:

By Legislator Caracciolo.

LEGISLATOR GULDI:

Second. Are there any questions?

LEGISLATOR CARACCIOLO:

You live in Lake Panamoka right?

MR. AMPER:

Yes.

CHAIRMAN BISHOP:

All in favor?

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion.

LEGISLATOR ALDEN:

Mr. Amper?

CHAIRMAN BISHOP:

On the motion, Cameron.

LEGISLATOR ALDEN:

Come on up for a minute?

CHAIRMAN BISHOP:

Oh boy, gee whiz.

LEGISLATOR ALDEN:

What's the matter?

LEGISLATOR GULDI:

You haven't heard enough of him today?

LEGISLATOR ALDEN:

I thought maybe there was some disappointment because --

MR. AMPER:

I've never been asked to say more.

LEGISLATOR ALDEN:

I thought maybe there was going to be a disappointment that I was going to ask questions and prolong the meeting that started over an hour late.

LEGISLATOR GULDI:

Not at all.

LEGISLATOR ALDEN:

Oh good, thanks.

LEGISLATOR BINDER:

Why does it start late? Why did the meeting start late?

LEGISLATOR ALDEN:

Was it some reason? Just normal stuff? Okay.

CHAIRMAN BISHOP:

A messy situation.

LEGISLATOR GULDI:

A caucus situation.

LEGISLATOR ALDEN:

Mr. Amper, why do you want to do this?

MR. AMPER:

The Pine Barrens Society's principal mission is to protect Drinking Water and preserve Open Space and we think the County Legislature is very involved in that and we'd like to be helpful if we can. We got great resources when it comes to Drinking Water and Open Space Preservation.

LEGISLATOR ALDEN:

I know you serve on a lot of boards and you're a very busy person. Are you going to have the time to actually, put in on this panel?

MR. AMPER:

Sure.

LEGISLATOR ALDEN:

Are you optimistic?

MR. AMPER:

Always.

LEGISLATOR ALDEN:

Great.

MR. AMPER:

In the face of great adversity.

CHAIRMAN BISHOP:

Okay, thank you. Motion to approve having been made and seconded. All in favor? Opposed? 1524 is approved.

I.R. NO. 1524 Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection. (Richard Amper) (Legislator George Guldi)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1525.

LEGISLATOR GULDI:

Let's take 1526 next because Julie Penny is here.

CHAIRMAN BISHOP:

1526 motion to take out of order by myself, second by Legislator Fields. All in favor? Opposed? 1526 is before us.

LEGISLATOR GULDI:

Motion to approve.

CHAIRMAN BISHOP:

This is to approve the appointment, the same panel, Julie Penny.

LEGISLATOR GULDI:

Julie, could you come forward? Are there any questions?

LEGISLATOR ALDEN:

You know, same thing, basically. Hi!

CHAIRMAN BISHOP:

Hi, thank you for waiting. Legislator Alden's questions that he asked Mr. Amper were new to you, which essentially are --

LEGISLATOR ALDEN:

Why do you want to do this?

CHAIRMAN BISHOP:

And do you have the time?

MS. PENNY:

Yes, I do have the time. I'm the Co-Chair for the South Fork Groundwater Task Force and we are very concerned --

LEGISLATOR FIELDS:

Would you please bring the microphone closer?

MS. PENNY:

Can you hear me now?

LEGISLATOR FIELDS:

Yes.

MS. PENNY:

Okay, okay. We are very concerned with preserving the groundwater resources on the East End of Long Island and particularly the South Fork. And we are concerned about Long Island's Drinking Water per se, throughout Long Island and we are dedicated watchdogs to protecting our natural resources, our groundwater. And certainly, this would give us a golden opportunity toward that end.

LEGISLATOR ALDEN:

Are you going to have the time to put in on this board?

MS. PENNY:

Yes, yes.

LEGISLATOR ALDEN:

Also, what do you feel is your most important attribute, as far as what you're going to be bringing to the table? Or is it your training or --

MS. PENNY:

I'm a terrific researcher and I've been working with one of the founders of the South Fork Groundwater Task Force. And I've learned an awful lot about our special groundwater protection areas and pesticides and over the last five years, I've really learned a lot in that direction.

LEGISLATOR ALDEN:

Are you familiar with any MTBE type of contamination?

MS. PENNY:

Oh, yes. Oh, yes.

LEGISLATOR ALDEN:

And the characteristics basically of MTBE?

MS. PENNY:
Um-um.

LEGISLATOR ALDEN:
Okay.

MS. PENNY:
Yes.

LEGISLATOR ALDEN:
How much of a danger to that present to our groundwater?

MS. PENNY:
Well, it's very dangerous. I mean, it's extremely dangerous toward groundwater and to clean it up, it's very costly. Carbon filtration systems that are -- it goes through the carbon -- it's carbon filtration, systems are very expensive and to clean it up, it utilizes the carbon filtration systems like that compared to other sources of pesticides and so forth. So it's very costly to try and clean it up from our environment.

LEGISLATOR ALDEN:
So if appointed to this committee or this panel, those are one of the things you will be addressing?

MS. PENNY:
Yes.

LEGISLATOR ALDEN:
Thank you.

MS. PENNY:
Um-um.

CHAIRMAN BISHOP:
Legislator Fields.

LEGISLATOR FIELDS:
I just wondered; I didn't see a resume or anything attached to this bill. And I wondered if you could just share with us anything that you've had in your background, you know, that put you as one of the representatives on this panel?

MS. PENNY:
Well, I have a Masters Degree in Community Mental Health. And -- but before that, I was actually in a Nursing Program for over a year and I have a very strong medical background and I did medical editing for a number of years too. So I'm very conversant with the health problems that all these pesticides would cause. I have studied an awful lot of health studies. I have studied pesticides and I do environmental writing for -- I write columns for the Sag Harbor Express on a lot of environmental issues, especially groundwater issues. Besides, I mentioned --

LEGISLATOR FIELDS:
Okay, I just wanted to have that on the record. Thank you.

MS. PENNY:
Okay, sure.

LEGISLATOR BINDER:
Mr. Chairman? I guess, just a small concern is your focus and obviously, your information or your information based on the East End.

MS. PENNY:

Um-um.

LEGISLATOR BINDER:

When we talk about groundwater protection, it's usually because -- one of my main reasons is drinking water, so we have fresh pure drinking water.

MS. PENNY:

Um-um.

LEGISLATOR BINDER:

And I think we all know that drinking water cannot be transported from the South Fork of Long Island to Western Suffolk County.

MS. PENNY:

And visa-versa.

LEGISLATOR BINDER:

And visa-versa. But then again, we're not protecting the same amounts of land in focusing and Mr. Amper was up and he's focused though a lot of the island -- a lot of it centers on Pine Barrens and that's where maybe his expertise has grown over the years. If you can talk a little about the West End and concerns, if you can a little bit of -- and I guess, I probably should have asked Mr. Amper but if you can talk a little bit about how you would balance your concerns between West and East End, though I know your focus would be on the East End?

MS. PENNY:

Well, I certainly would put it all together as we're working on the whole thing and it's certainly with Sara Meyland who is very knowledgeable about the Western End and I've worked with Sara on different seminars and so forth. And I would work with her towards that end and whatever gaps that I didn't know; she would fill me in on.

LEGISLATOR BINDER:

Right, I just -- I guess I just want to make sure there's a sensitivity, I guess, for that.

MS. PENNY:

Oh, certainly. I'm not myopic about just the East End.

LEGISLATOR BINDER:

Well, it's expensive on the West End. It's expensive to buy land but at the same time, you know, if we don't have places like West Hills and other areas that are pristine water, there is not going to be water and you can't transport it from somewhere to get it to us. So there is a real concern because of the real development that's happened has really been on the West End obviously, the concentration on growth. I just wanted to make sure that that was --

CHAIRMAN BISHOP:

And if our water goes bad, we're all going to move to Sag Harbor. The traffic is really going to be bad.

MS. PENNY:

All right, it's got a lot in the super fun sites in Sag Harbor.

CHAIRMAN BISHOP:

All right. Is that it? All right, motion to approve having been made and seconded. Who made the motion to approve?

LEGISLATOR GULDI:

I did.

CHAIRMAN BISHOP:

Legislator Guldi, second by Legislator Fisher. All in favor? Opposed?

I.R. NO. 1526 Resolution approving appointment of member of Suffolk County Panel on Groundwater Protection. (Julie Penny) (Legislator George Guldi)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

Okay.

LEGISLATOR GULDI:

Thank you.

CHAIRMAN BISHOP:

Thank you. Thank you for your service. Next?

LEGISLATOR GULDI:

To the rest of the --

CHAIRMAN BISHOP:

Back to the agenda. I think we had just completed page one, right? Now we're on page two. 1806?

LEGISLATOR FIELDS:

Second.

CHAIRMAN BISHOP:

This is a similar resolution authorizing planning steps for land acquisition to water quality protection component of Quarter Cent Drinking Program, Connetquot Avenue. Legislator Fields.

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve, second by Legislator Bishop. All in favor? Now, on the motion, Legislator Alden.

LEGISLATOR ALDEN:

Is there anything different on this one? I'm just making the assumption that this is the same property?

CHAIRMAN BISHOP:

This is a rerun, yes.

LEGISLATOR ALDEN:

This is a rerun?

LEGISLATOR FIELDS:

That's a good assumption.

LEGISLATOR ALDEN:

Is there anything different?

LEGISLATOR FIELDS:

Maybe we could read the statements from the last one? It would be identical, I think.

LEGISLATOR ALDEN:

So the seller is not willing to sell to Suffolk County under any circumstances?

LEGISLATOR FIELDS:

I haven't asked him this week but --

CHAIRMAN BISHOP:

Any circumstances. Well, I guess if the Town stood up to him, he would probably -- motion to approve by Legislator Fields second by myself. All in favor? Opposed?

LEGISLATOR BINDER:

Opposed.

CHAIRMAN BISHOP:

Note the opposition of Legislator Binder and Alden.

CHAIRMAN BISHOP:

1814 authorizing planning steps for acquisition under Suffolk County Multifaceted Land Acquisition.

LEGISLATOR FIELDS:

I have a question about this.

CHAIRMAN BISHOP:

Sagtikos Manor, Town of Islip. Legislator Carpenter. Question from Legislator Fisher.

LEGISLATOR FISHER:

Are we using this language now in our resolution of Multifaceted?

CHAIRMAN BISHOP:

The Multifaceted is the merger.

LEGISLATOR FISHER:

I know it's the merger.

CHAIRMAN BISHOP:

Every Land Acquisition Program in the Capital Budget.

LEGISLATOR FISHER:

And it is now being used in the language of the resolution?

CHAIRMAN BISHOP:

Correct.

LEGISLATOR FISHER:

Okay.

CHAIRMAN BISHOP:

Mr. Grecco would --

MR. GRECCO:

May I comment on this?

CHAIRMAN BISHOP:

Please?

MR. GRECCO:

Based upon the language in this -- based upon the language in this resolution, I see it as problematic to the extent that the Multifaceted Land Preservation Program is in next year's Capital Budget, number one. Number two, I'm not even so sure it's been approved. Furthermore, planning steps resolutions ordinarily authorize my department to get appraisals done to move forward. Since I don't have a program, I don't even have the ability to get an appraisal done with this resolution.

CHAIRMAN BISHOP:

What do you mean by, you don't have a program? There's no Multifaceted Program?

MR. GRECCO:

I don't have any money in the Multifaceted account.

CHAIRMAN BISHOP:

Currently this year, because it's next year that the money is in the program.

MR. GRECCO:

That's correct and assuming that yes, so I cannot move forward on this.

LEGISLATOR FISHER:

Motion to table.

CHAIRMAN BISHOP:

Legislator Fields, we have a motion to table.

LEGISLATOR CARACCILO:

Second.

I.R. NO. 1814 Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program (Property Sagtikos Manor) Town of Islip. (Legislator Angie Carpenter)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

Legislator Fields, yes?

LEGISLATOR FIELDS:

It's my understanding after speaking with the Town of Islip that the developer of this property would like to give some of the property to either the Town or someone. And so before we would move forward with the purchase, I would like to see what it is that this developer would like to give before we pay for something.

LEGISLATOR FISHER:

He's a willing seller; he wants to give it.

MR. GRECCO:

Well then, we should try to put in under a program that I have access to funds, so that I can get appraisals.

CHAIRMAN BISHOP:

We discussed this last time and I made the suggestion, being the powerful Chairman that I am that we establish some sort of fund for these appraisals, for the planning steps.

LEGISLATOR FISHER:

For the planning steps.

CHAIRMAN BISHOP:

Right, because these programs are fluid and we always have a desire to know what's going on a fund, the facts. And you all rejected that. So now we're back to this situation, where if you say, I want to do it out of the program that's going to have money next year, you can't do anything until next year because there's no money in the program this year. Okay that's how you like it?

LEGISLATOR FISHER:

There's money in the program this year.

LEGISLATOR GULDI:

What program do you have money in?

LEGISLATOR FISHER:

What program do you have money in this year?

CHAIRMAN BISHOP:

Nothing, everything is overdrawn.

MR. ISLES:

We don't, we don't. And just two comments I'd like to make, if I could, please? Number one, in terms of the planning steps and the appraisal, what Mr. Grecco has said is absolutely the position of the department on that. I'd just like to make a point that we talked about this a little bit in the last meeting with Mr. Binder's proposals and the same issue came up at that time. The program is not started up yet. We had indicated we would do is we would continue with these discussions to see if we could somehow borrow or use some of our current operating funds. At least for this one period, as we transition into the Multifaceted Program. So to the extent that we can do that, we'll try to do that. But what Mr. Grecco brings up, we certainly can't handle a lot of these, in terms of the Multifaceted this time, because we just don't have the money. But where we can accommodate the legislative wishes, we will try to do so.

I'd also like to point out and not to be really brief is that I did speak to the Town of Islip on this one and they didn't say they had an application yet, because I specifically asked them that question. Although, we would certainly, if there was an opportunity of donating some of the land and using that as part of the tax that we were authorized to acquire this property, we would certainly do that. But just at this point in time, I'm not aware of an application or maybe I'm not even aware of any development discussions but perhaps a --

COMMISSIONER SCULLY:

Further, we have --

LEGISLATOR FIELDS:

I spoke to the Town of Islip about it.

CHAIRMAN BISHOP:

And --

COMMISSIONER SCULLY:

There's pretty good indication there is a willing seller, based on our meetings with Legislator Carpenter and --

CHAIRMAN BISHOP:

Is this where George Washington slept?

COMMISSIONER SCULLY:

That's the place. Right.

LEGISLATOR ALDEN:

This is on the Nassau Historic Register.

COMMISSIONER SCULLY:

Right.

CHAIRMAN BISHOP:

So what's the development proposal?

LEGISLATOR ALDEN:

You can't develop it.

COMMISSIONER SCULLY:

We're not aware of any development proposal for the property.

LEGISLATOR CARACCILOLO:

Can the property be developed? That's a very good question, Legislator Alden brought up.

LEGISLATOR ALDEN:

Part of it can.

MR. ISLES:

Yes, yes.

LEGISLATOR ALDEN:

Part of can but most of --

LEGISLATOR CARACCILOLO:

What portion, in terms of the 10.3 acres can be developed?

MR. ISLES:

The property is zoned one acre zoning with the Planned Landmark Preservation Overlay District. I spoke to the Commissioner of Planning last week who indicated that there's no application filed. There are certain, perhaps discussions with the owner but no application filed. And that a portion of the property, it certainly can be developed as privately owned property. On 10 acres, on 1-acre zone, most likely what the Town would seek to do in my estimation would be the clustering of the eight houses away from the Historic Home. So it could be developed, not to a great density but it can certainly be developed.

LEGISLATOR CARACCILOLO:

If they gave them a yield of eight houses on what size lot would they give them, 1 acre, 2 acres, 5 acres?

MR. ISLES:

Well, it's a 1 acre underline zoning. What they could do is mandate a cluster and do -- cluster it on a portion furthest away from the houses. Maybe even cluster it as town houses on zero lot line.

CHAIRMAN BISHOP:

Who owns the parcel? A private? Is it a trust for the maintenance of a historical structure?

MR. ISLES:

I think it's a trust but I can't say that I know that for a fact.

COMMISSIONER SCULLY:

Yes, it's under the Robert David; Lyon Gardner is the benefactor of the trust. And based on our conversations and information brought to us jointly by Legislator Carpenter, he's about ready to terminate his financial support for the operation, which involves a caretaker. So some decisions are going to have to be made with respect to the property.

CHAIRMAN BISHOP:

So I mean that sounds like a pretty good solution, if you ask me. You know, if we move to acquire the property, then the Trust will have no ability to pay for the maintenance and it will fall on our shoulders and I don't know if that's the direction we want to go in. I don't know if that's what's best for this structure.

COMMISSIONER SCULLY:

That's a legitimate concern.

CHAIRMAN BISHOP:

So is Legislator Carpenter meeting with whom to hash that out? Any of you?

COMMISSIONER SCULLY:

She had spoken about -- she met with us and expressed the same type of concerns that you did about who would end up maintaining historic structures and sees that as a real challenge. And I think that during the course of our discussions the possibility of involving a group that specializes in structured transactions surrounding inherited properties, like the Peconic Land Trust might be suitable in this type of situation.

CHAIRMAN BISHOP:

All right. So it's not going to be rushed to judgment anyway. Everybody is working on it. Motion to table by Legislator Fields, second by myself. All in favor? Opposed? 1806 is tabled.

I.R. NO. 1806 Authorizing planning steps for the land acquisition under Water Quality Protection Component of the 1/4 Cent Drinking Water Protection Program. (Connetquot Avenue property, Town of Islip, Suffolk County Tax Map No. 0500-299.00-01.00-010.000) (Legislator Ginny Fields)

VOTE: 5-2-0-0 TABLED

CHAIRMAN BISHOP:

1814 authorizing planning steps for the -- oh, excuse me, 1814 was just tabled. 1815 authorizing the acquisition of developmental rights to farmlands by the County of Suffolk at Riverhead. (Pay-As-You-Go 1/4 Cent Taxpayer Protection Program)

LEGISLATOR CARACCILOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by myself. All in favor? Opposed? 1815 is tabled.

I.R. NO. 1815 Authorizing the acquisition of developmental rights to farmlands by the County of Suffolk, at Riverhead. (Pay-As-You-Go 1/4 Cent Taxpayer Protection Program) (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1848 approving the acquisition under the Suffolk County Land Partnership Preservation Program, Town of Brookhaven, Ridgehaven Estates. What's with the feistiness on my left today? What's going on?

LEGISLATOR ALDEN:

We're actually on your right.

LEGISLATOR BINDER:

It depends on which way you are looking.

MR. SABATINO:

The Town Board Resolution is not yet available.

CHAIRMAN BISHOP:

Motion to table by Legislator Alden, second by Legislator Binder. All in favor? Opposed? All right, is there a motion?

LEGISLATOR CARACCILOLO:

Motion to table.

CHAIRMAN BISHOP:

Saved. Legislator Caracciolo made the motion to table, second by myself. All in favor?

Opposed?

I.R. NO. 1848 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven. (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1850 authorizing planning steps for the acquisition of land under Pay-As-You-Go Quarter Cent Taxpayer Protection Program. This is Legislator Crecca's resolution. Does it have --?

MR. ISLES:

This is what's known as the Lake Grove School Property in Lake Grove. What the resolution proposes the acquisition of about 20 acres of this property out of a total parcel of about 40 acres. Some of it is actually developed as a school, the balance of the property. Of the 20 acres that's in the resolution, 17 acres is a wooded part of the site that's undisturbed. The only point we would make on this is that from our review of the criteria of the program, the new Quarter Percent Program Open Space doesn't meet any of the criteria. So we would suggest then that maybe it can come in under next year, under the new Multifaceted Program.

LEGISLATOR CARACCILOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo. Is there a second?

LEGISLATOR FISHER:

Second.

CHAIRMAN BISHOP:

I don't hear any of the fiscal conservatives. Second by Legislator Fisher. All in favor? Opposed? 1850 is tabled.

I.R. NOL 1850 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4 Cent Taxpayer Protection Program. (Brayson Property, Village of Lake Grove, Town of Smithtown) (Legislator Andrew Crecca)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1877 authorizing an agreement with the Suffolk County Water Authority for -- oh we did this? Yes, we tabled this earlier. 1879 is a resolution authorizing the issuance of 50 million dollars in serial bonds of the County of Suffolk to pay for the acquisition of certain environmentally sensitive parcels. Motion to table by Legislator Caracciolo, second by Legislator Fields. All in favor? Opposed? 1879 is tabled.

I.R. NO. 1879 A resolution authorizing the issuance of \$50,000,000 Serial Bonds of the County of Suffolk, New York to pay the cost of the acquisition of certain environmentally sensitive parcels of land and the acquisition of development rights for the Farmland Preservation Program, each for and in accordance with the Suffolk County Drinking Water Protection Program of and for said County. (County Executive)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1885 is to appropriate and establish programmatic criteria for the Quarter Cent Acquisition Program.

MR. SABATINO:

Mr. Chairman, you've got to get the right numbering system. There were four bills that were actually filed. The one I think you want to consider first is 1885A, which is the bond resolution. Because the 1885 -- these are separate bills. You have to deal with them separately. But you're looking for the bonding authorization, not for the appropriation at this point.

CHAIRMAN BISHOP:

Motion to approve 1885A by Legislator Caracciolo, second by Legislator Guldi. All in favor?

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion, Legislator Alden wishes to be heard.

LEGISLATOR ALDEN:

Okay, number one, I don't have that on my agenda. I just have 1885 but I'd like an explanation on --

MR. SABATINO:

The bills were laid on the table as late starters. They were laid on as separate bills. I can't account for the --

LEGISLATOR ALDEN:

No, I'm just making a statement for the record. It's not on my agenda. I don't have a copy of it.

MR. SABATINO:

I understand.

LEGISLATOR ALDEN:

Now, 1885A authorizes --

MR. SABATINO:

1885A authorizes 50 million dollars for Open Space and 25 million dollars for Farmland Preservation. But unlike 1879, which was just tabled, it's got two critical provisions, which are consistent with what the Legislature was looking for, which is number one, the repayment of the debt service would be limited to the life period of the Quarter Percent Program, which is December 31st of 2013, which 1879 does not do. And the second thing that it does, which 1879 does not do is it actually commits the sales tax revenues to make the payments on a first priority basis, whereas 1879 is simply a property tax commitment. So in those two respects, it's different. It's also different from the standpoint of a dollar amount. 1879 was 50 million dollars.

LEGISLATOR ALDEN:

Okay, I have a few and I guess they're going to be technical questions. But the issuance of these bonds, is that going to be through your standard Wall Street or this goes through --

LEGISLATOR CARACCILO:

EFC this is the --

LEGISLATOR ALDEN:

Okay, EFC. Now do we need a bond broker to actually do this? And this could be to Fred or to Paul Sabatino.

MR. SABATINO:

What you're going to need -- let me just cover all four bills. You can pass the bonding resolution today, if you so desire, for whichever one of these dollar amounts you feel

comfortable with and whichever criteria you feel comfortable with. What's going to have to happen between now and I guess it's next May, because it sounds like next May is the -- before May, of next year, that's when the EFC is going to be ready to pull the trigger.

You're going to have to have some kind of a plan against which the monies will actually be appropriated and that would be the County's Financial Advisor or an Investment Bank. I'm not really sure which intermediary is going to do it but you need some vehicle after you authorize the bonds to get an appropriation into a program that actually works. That's the piece of the puzzle. It's going to have to happen between September 11th and sometime in May. And I'm not clear at this point as to who is being suggested for that. But that's something that would have to happen before you appropriate the money.

LEGISLATOR ALDEN:

So right now, at this point, we don't need to do this to get the approval on our application.

MR. SABATINO:

Well, no you need --

LEGISLATOR ALDEN:

Sometime before May, we're going to have to do it.

MR. SABATINO:

No, what my understanding is what you need, you need to show a commitment that you're committed to the borrowing. That's why it's important from a standpoint of getting the EFC to follow through between now and May. You've got to show some kind of financial commitment. That's what authorizing the bond would do. But that would just authorize the bond because there's no appropriating resolution. I mean nothing that the County Comptroller won't be able to do. Anything between now and like I say in May, or at least between now and until the time you actually appropriate something. In that intervening period of time, you're going to have to have what I call the financial plan and the criteria and all the terms and the conditions, which traditionally the way we did it in 1988, was, I think, we had an Investment Banker that came down and there were charts and schedules and graphs, an actual document that you approve it.

LEGISLATOR ALDEN:

So is this right or wrong, this statement that we're going to have to pay a Financial Advisor to develop this whole program?

LEGISLATOR CARACCILOLO:

Fred? I'd like Fred to answer that? Because I believe when you go through the EFC, you do not incur those additional charges.

MR. POLLERT:

You are definitely going to have a bond issuing expense, whether or not it's EFC or if it's the County. What this resolution does is it authorized that the bond issuance expenses be paid from the proceeds of the bond. So I'm not sure what the processing fee is that the EFC charges. But they do charge some sort of a processing fee, which is embedded somewhere, so that they can recover their costs on the bond issuance.

LEGISLATOR ALDEN:

Okay. Fred, also it was just mentioned by Paul that this is structured to actually coincide with the Pay-As-You-Go Quarter Center. That includes the payment on principal and interest on the bond? Or that would --

MR. POLLERT:

No, it would be the principal and interest. So what would happen is that this bond would be {defeased} with the revenues generated from that Quarter Cent Program.

LEGISLATOR ALDEN:

What portion of those revenues would encompass the payment of principal and interest on this?

MR. POLLERT:

It would really depend upon what the interest rate of the EFC is.

LEGISLATOR ALDEN:

I was told zero before.

MR. POLLERT:

Well it's our understanding that it's not zero. There's a possibility that they would cover the principal and interest payment for a period of time but overall, there would be a charge to the County. It's our understanding that as a rule of thumb, we would have saved approximately 50 percent by using EFC funding. But it's definitely not free.

LEGISLATOR ALDEN:

I'm glad you corrected the record on that because that was a big selling point, zero interest and I'm really glad that you corrected that just now. So what percentage of our income flow from that Quarter Cent is going to go to the -- just servicing this debt?

MR. POLLERT:

When we had been requested to price out what the County could cover bond wise, we left an adequate coverage ratio. We had assumed a group of different scenarios. There should be adequate coverage even with a flat sales tax for the next few time periods. I cannot tell you exactly what the debt service will be because it's dependent upon what the interest rates are when we borrow and how long are we going to borrowing it for.

LEGISLATOR ALDEN:

Okay. But you're saying that this could be up to 100 percent of the cash flow?

MR. POLLERT:

No, we had left an adequate coverage ratio in, so that even if the sales tax was flat for a period of time, we would have adequate coverage. Part of what Paul was talking about is you have to make sure that the bond is configured or sculpted, so that you've got adequate cash flow to meet the payment of the bonds. Now, the EFC has the capability of issuing level debt, which is more expensive in the long run but it lowers your annual principal and interest costs in the beginning.

LEGISLATOR ALDEN:

And is that where we're going for level debt?

MR. POLLERT:

I'm not sure. This is just authorizing the issuance of a debt. You really need to work with EFC to sculpt the bond, so that we have adequate cash flow to cover those bonds.

LEGISLATOR ALDEN:

Worse case scenario, if sales tax receipts continue to go down, as they have been going, how much is the repayment on this seventy five million, as opposed to your projections for sales tax receipts?

MR. POLLERT:

We believe that it would add about somewhere between eight to ten million dollars would be the cost of the interest.

LEGISLATOR ALDEN:

Okay, so take the bonds, seventy five million dollars and divide that by -- because it's a sliding scale but you pay more interest up front and you pay on a normal bond, right.

MR. POLLERT:

With the normal bond, we would have problems because we use an anomalous debt repayment schedule, which is a fronted loaned bond. So if the EFC uses the level debt payment, they can issue more debt but it's going to cost you more money in the long run.

LEGISLATOR ALDEN:

Well, we don't redeem on these. We wouldn't redeem for six months or a year. What would be the period?

MR. POLLERT:

It would really depend upon how they put the bond together. On a traditional bond, the first interest payment is six months and the first interest and principal payment is in the first year.

LEGISLATOR ALDEN:

I'm just doing a rough calculation. You're looking at like thirteen, fourteen million dollars a year? At a minimum? On seventy five million for twelve years?

LEGISLATOR CARACCILO:

What does that number represent? Thirteen, fourteen million dollars represents what?

LEGISLATOR ALDEN:

Payment of principal and interest. That's what I'm getting to here.

LEGISLATOR CARACCILO:

P&I? Just so we understand, it's principal and interest. Okay. Now, let's compare that with conventional --

LEGISLATOR ALDEN:

Hold it I -- but I --

LEGISLATOR CARACCILO:

All right, when you're done, I'll ask the questions that need to be asked, in terms of a comparison.

MR. POLLERT:

We're currently in the process of re-estimating the sales tax. The last numbers that we got on the growth of the national economy is clearly troubling. Even if the sales tax were flat for a period of time, we felt that we would have adequate coverage to be able to issue a bond of this magnitude. The key is though that we would have to work with the EFC or whoever is doing the financing to make sure that the principal and interest payments that are due, do not exceed, what the revenues are in any one year. If there was a shortfall, these are ultimately general obligation bonds. So if, for instance, in one year sales tax generated less money than you need in principal and interest, it would go to the taxpayers. It would be a general fund charge. The general fund would be making these bondholders whole.

LEGISLATOR ALDEN:

Okay now, just so I understand it and I don't mean to put you on the spot. When you say a cushion, do you mean projecting out where you'd actually have to use 100 percent of the sales tax revenues?

MR. POLLERT:

Right, we kept the cushion of approximately 20 percent of the revenues. Roughly, 20 percent of the available revenues.

LEGISLATOR ALDEN:

So this, at best case scenarios, uses 80 percent of the cash flow coming out of that sales tax?

MR. POLLERT:
That's correct.

LEGISLATOR ALDEN:
That's best case scenario. Worst case scenario gets added on to the tax bill and was it general fund? Or would that be Capital?

MR. POLLERT:
It probably would be the general fund.

LEGISLATOR ALDEN:
It would be general fund obligation, dollar for dollar. That's added on any shortfall? All right. Right now, I think that's all I have.

CHAIRMAN BISHOP:
Legislator Binder and then Legislator Caracciolo.

LEGISLATOR BINDER:
Fred, the EFC, you're talking about their ability to do level debt service? Their ability comes from what? From legislation? From having the funds from -- where do they have that ability and how does that decision get made? So I understand what we're talking about here.

MR. POLLERT:
Candidly, I don't know the answer to either question. It's our understanding, based upon discussions with them that they have the ability to issue level debt. I don't know if it's because they have a pool of funds or because they, like an authority, have the capability of scoping the debt more than does the County. The County does have the ability to issue level debt. We don't do it because it's more expensive in the long run.

LEGISLATOR BINDER:
The EFC let me make sure I'm clear on this. The EFC, if they have the funds they're lending us at whatever rate, we're not even -- we don't even know and I want to get to that point, so I can understand that. They set the rules on how to create, you know, whatever our payment schedule is. If it's level or if it's front-loaded or whatever. Have they given us any indication on what it would take to get a level debt service? Because I mean -- it's obviously less advantageous for them to give us money at a level debt service. So why would they do that and especially if we're getting a rate of in the two's somewhere and I'm still not -- and again, when I ask you about that, why would they give us a level debt service on top of the fact that they're giving us a low rate?

MR. POLLERT:
We were requested to contact EFC by Legislator Caracciolo, which we did. The conversations, which we had with them was to understand the process but the lead agency has been the Planning Department with respect to what the actual financing will be through this program. So I would really defer to them with respect to what assurances they have, if they would use a level debt. That I don't know.

LEGISLATOR BINDER:
Dave? Then I'll move the question over at -- give me, because if we're going to be talking about finance, these are not usual questions for a committee like Land Acquisition. These are more the kind of questions you'd find more in Finance when we're talking about putting together some kind of bonding. So I understand, so you're probably not -- you may not be ready to answer this here and I understand. But it's kind of important because if we're going to be the lead committee, if we're going to be the prime committee on this thing, I think, we've got to ask and understand those questions, as well as environmental impact. But we've got to understand how the financing of this works. It would be irresponsible for us not to understand how this is going to work. So if you don't have it, please let me know. If you don't have the understanding of what -- why they would or wouldn't, to what criteria they use for giving us level debt service? It seems to be an important piece or an aspect because if it were front loaded, my guess is and let me -- Fred, just one more, pull you away for one

second. Just my guess would be if it were front loaded, we'd have a problem because that 80 that 20 percent fig -- that you have -- that we have that reserve or whatever you want to call it, is not going to be enough to cover a front loaded bond in the first years of this?

MR. POLLERT:

That is correct. Depending upon how the bond is put together with an anomalous debt repayment schedule, we would have a cash flow problem.

LEGISLATOR BINDER:

So is that at every level, that 75 and 62 and at 50? In other words, at all three levels it doesn't matter? Or is there a cash flow? Where -- at what level does a normal front loaded bond not -- when is it not -- I know that's a tough question, you might not have looked at it. But at what level is it not a problem, so that we know that we have a cushion and that we know even if it were front loaded, we'd be okay and not have to dip into taxes to cover, you know, general fund taxes to cover the payment.

MR. POLLERT:

That I don't know off hand.

LEGISLATOR BINDER:

It would be an important -- okay, so and the members should look at that. That's an important question we should look at before going forward with this. We should understand at what level that is because we and let me ask Tom, if you know, give me the question about level debt service? If they do have criteria? If you've discussed it with them or if we don't know at this point?

MR. ISLES:

I'll go with the, we don't know at this point. I attended some of the EFC meetings. I wasn't able to attend all of them. The couple that were done with Legislative Budget Office as well to scramble to get an application or an IUP listing together. There was a ton of information we need to know as Mr. Sabatino referred to, I think, going back to the 1988, where charts and figures and so forth were presented to the Legislature. Obviously, those are -- that's critical information. So if you'd like me to find out specifically about the debt service repayment and so forth, I can do that and believe me, I'm not a finance expert but I know it's a -- since this committee is now handling it, I'll be happy to provide whatever I get.

LEGISLATOR BINDER:

Okay.

MR. ISLES:

Even at some point have EFC here. Because they appear to be pretty willing to come around and make information available.

LEGISLATOR BINDER:

Okay, now my other question to either Fred or Tom. On the percentage itself, I wanted to get to that. I'm hearing mixed. Dick Amper talked about zero ratcheting up to two and a half. How does that {ratch} of windows of ratchet is that and is that a cap? I want to have an understanding of what we're -- I mean I understand there's a cheap money and so when we first talked about this --

MR. ISLES:

Right.

LEGISLATOR BINDER:

I don't think we were clear. I think it was very fuzzy. It was more; we might be able to get cheap money. So I was opposed to it originally because I was maybe one of the few or maybe the only Legislator. That happens around here a lot, opposed to, I voted against it because I wasn't clear and I don't think anyone was clear on how much this is going to cost

us. How do we know the percentage? Do we know if there's a cap? There's a ceiling. You can't go above a certain percentage and how does that ratchet system work? Or how does that go up and give me something on that if you can?

MR. ISLES:

Okay well, what I can tell you is what I received. When I spoke to EFC personnel and their staff personnel, is that when I heard about the zero percent interest rate, I asked about that. And I was told that that's usually, not always, made available for at least the first year of the financing, which then here again, I'm not a financing expert. Which then when the financing is converted to long term, we would then go on to an interest payment, repayment. Is that the question? By the way, the one year I was told is usually pretty automatic but here again, no guarantee.

LEGISLATOR BINDER:

Did they say they're covering it in that year or are they saying that zero percent because of capitalizing it and that's a real big difference.

MR. ISLES:

Well, they didn't say that specifically and I know it's important.

LEGISLATOR BINDER:

That's like a difference.

MR. ISLES:

In talking to them is that it was part of an incentive, as part of this program, federal aid to provide clean water.

LEGISLATOR BINDER:

Yes, but I understand. But the incentive could be we back load it meaning that --

MR. ISLES:

Right, I understand what you're getting at.

LEGISLATOR BINDER:

That we're going to give you free money in the first year but we're going to back forward it by -- we're going to capitalize it. You can still pay it.

MR. ISLES:

Right.

LEGISLATOR BINDER:

But you're going to pay it later on and we're going to work into the level debt service.

MR. ISLES:

That wasn't explained either way.

LEGISLATOR BINDER:

That's an important --

MR. ISLES:

As far as the beyond that one year period, which by the way, can be extended up to three years, as I understand it with the zero percent, whether it's capitalized or not. The next thing was what is the interest rate and the answer I got back is that it is approximately one half the standard municipal interest rate. That's about as far as we went in the three days we were scrambling to get --

LEGISLATOR BINDER:

Approximately, so we're not talking caps. We're not talking hard and fast. I mean I'm just -- I'm concerned because I don't know about the --

LEGISLATOR FISHER:

Could you suffer an interruption? I'm sorry, would you suffer an interruption? There was just something I wanted to clarify.

CHAIRMAN BISHOP:

Obviously --

LEGISLATOR FISHER:

What kind of criteria would have to be met, in order to extend that zero percent period?

MR. ISLES:

I asked that question because I had originally heard --

LEGISLATOR FISHER:

Thank you.

MR. ISLES:

That it was three years. And then, when I called up EFC and asked them about that, here again, not being a financing expert, they said typically it's a year but there's a possibility they're extending it to three years. I think, under really a hardship thing but that's about all I got and so whether Mr. Pollert has more than that than I do but it didn't sound like something that we could necessarily take advantage of. Here again, I think, there's a lot more, as Legislator Binder indicates, needs to be known. And whatever we can do in Planning or the County Budget Office or Legislative Budget Office, we can try to do that.

LEGISLATOR BINDER:

Let me just jump in one second. My concern is that we don't know if that zero percent is capitalized and so not knowing it's capitalized, we don't know if we're actually paying it or someone else is kind of -- or they're covering it for the first year, no interest, they absorb the interest costs, I don't know. I'm sorry, go ahead, Budget Review wanted to --

MR. DUFFY:

Yes, the point I wanted to make is that I was at the meeting on July 31 and in my notes, I indicated that they indicated that they, at times, can give a line of credit that may last up to a year, a year and a half at zero percent. But they did not specifically answer your question, whether or not that's capitalized in. The other point that I told Fred that he thought I should mention was that they indicated that the PAC Board would make all final decisions on the amount of money that would be lent. Because they said there were various competing projects out there and that this board would consist of the Governor and the Majority and Minority Leader.

LEGISLATOR BINDER:

So okay, it might be or we might not get is let's say we said 75 million. We could end up with 25 and they can say, do you have, you know, as I'd say to my kids, you get what you get and don't be upset.

MR. DUFFY:

That was the point he was making.

LEGISLATOR BINDER:

Right.

MR. DUFFY:

That there were many different projects out there and that everybody wants.

LEGISLATOR BINDER:

Everybody wants and there's a limited amount of capital to be loaned.

MR. DUFFY:

Yes.

LEGISLATOR BINDER:

Okay, so that's understandable. Let me just say, you know, my concern, it would seem to me if we can get some questions answered then maybe we should go forward. This is not expensive money. My first concerns months ago, when we first talked about it was, I think, it was still pretty nebulous as to what this was. How much it was going to cost? At what percentage? If it's going to be no more than two and a half- percent, very good money. If it's zero percent in the first year and it's not capitalized, really good idea. Take as much as you can get of very cheap money. All understandable. But I don't know that you run forward until you have a couple -- and it seems we don't have a lot of some of the questions answered. Questions like the percentage. Is there a cap? How does that work? How is the percentage set? Is it set on a criteria from County to County from loan to loan based on creditworthiness? Based on -- I mean what is -- how do you set the percentage rates? So how do we know how -- where we're going to fall and is there an upper reach? We know that the most it will cost us is let's say two and a half. If we knew that, then that's something to know when you're voting on this.

The other question is the zero percentage, the capitalized, we should know does that cost us and it's spread out over? And the third thing we should know, there are three things that I discern from the questioning. The third thing, I think, we need to know is the criteria for level debt service. The concern I have is and this is maybe the most important question. Fred said that if it's front loaded, normal bonding. If we are front loaded the way normal bonding goes on interest, we will not have enough in the first years in the Quarter Percent to cover the debt service. I don't know how many years. He can probably figure that out. So what he needs to do is to give us what would be the most that we could borrow that we know that if it wasn't level debt, that we can afford without going to taxes. We should understand that before we vote for an upper reach, in other words, seventy-five, sixty-two or fifty or whatever the number is we should understand that number.

And we should really understand from them -- from EFC, exactly how they're going to determine whether it's level or front loaded debt. Because if we don't know that we can get level debt service, then our determination has to be made based on what's the most we can borrow, given a 20 percent margin that in a front loaded loan that we wouldn't end up going to taxes. That this could pay for itself. So we should understand that and those are important points. Other than that, I think, this is something you go forward with. But I think these are financial questions, not normally done here, I understand in Land Acquisition, in this kind of committee, it's a finance question. But without those questions, either you can't responsibly go forward on the numbers. So that's all I would say and I would support it if we can get that done.

LEGISLATOR CARACCILO:

I'll table it two weeks and encourage my colleagues to submit in writing their questions and concerns to me by the end of the week and we'll forward that to EFC and try to get a timely response.

MR. ISLES:

I have two comments. But if you want, I can send those to you as well, on the content of the resolution.

LEGISLATOR CARACCILO:

Very good, I appreciate that Tom. And I want to note for the record that you had been the one exception in the executive branch of government that has worked very close and cooperatively with every member of the Legislature on environmental issues. Well of course, Allan. That's on acquisitions. I said Peter is a parks guy.

LEGISLATOR FISHER:

Everybody wants a President right, Mike?

LEGISLATOR GULDI:

See what happens when you're not paying attention.

MR. SABATINO:

Before you vote to table the bond resolution, just with the clarification because I was under the impression with the combination I had last week that there was some kind of a deadline with regard to the bond. We're not meeting again until October 23, so what I had said in my comments earlier, if you recall, I said pass the bond resolution because that's only putting --

CHAIRMAN BISHOP:

A recommendation.

MR. SABATINO:

The statement of authorization now, so that the State is aware that you're committing the bond. But that all the other issues really are addressed when it's time to appropriate the money. So you'd have time between now and then to deal with those detailed issues. But if you let the bonds slip away, I think. Because we don't meet again until October 23, you're not going to be eligible with State EFC. That's my understanding of the process.

CHAIRMAN BISHOP:

What is the motion without recommendation?

LEGISLATOR GULDI:

Discharge.

CHAIRMAN BISHOP:

Discharge. Thank you.

LEGISLATOR GULDI:

Motion to discharge without recommendation.

CHAIRMAN BISHOP:

Yes.

LEGISLATOR BINDER:

On the motion? Just let me ask a question? So I understand Counsel, where did you get the time schedule, so I understand? Because my concern is when you're -- let me explain, my concern is when you're authorizing the bond, even though you're not doing the appropriation, you're authorizing a bond and it's not specific but it's specific enough that you're authorizing an amount because we have an amount set. We're actually setting an amount and the question of a level versus front loaded debt service really weighs heavily on the amount that we're specifically setting. So I'm concerned we're going to go forward with an amount, be specific and then have ourselves in a position of going at too high a number where they say well, sorry we can't do level debt service. So now I feel obviously, the pressure to go forward. It can be explained about the time schedule and where you got that from.

CHAIRMAN BISHOP:

Without recommendation and you have a --

LEGISLATOR BINDER:

No, I know because I want --

CHAIRMAN BISHOP:

Questions that --

LEGISLATOR BINDER:

What I want is get this answered, so that I know what I need to know before Tuesday.

MR. SABATINO:

I purposed my remarks by saying that I'm not certain because it's been a very rocky road to get from there to here. And, in fact, things really done at the last minute, which is not the way to do things like this. But in speaking to Bond Counsel, his understanding or at least to substantial impression and the conversation he had with me, walking away from the EFC process was that you had to have something in place by October, showing the State that you were -- something legislatively, you were committed to something and that was the purpose of that. That's why if you notice --

LEGISLATOR BINDER:

Well, let me ask Bond Counsel?

MR. SABATINO:

On 1879, there's only a bond resolution that was filed no companion bill.

LEGISLATOR BINDER:

Counsel, let me ask you? What if we didn't have a specific level set or we had a range rather than it saying seventy five million. Let's say it said from, you know one amount to another amount that would be in the range, we'll commit to this range and then where you appropriate -- when we appropriate, we'll pick the number. But my concern only is that if we lock -- I don't want to be locked into an amount.

MR. SABATINO:

We already did though because, you see, by authorizing up to seventy five million dollars. But by using the seventy five instead of the fifty two -- I'm sorry the fifty or the sixty two, when it's time to appropriate in the companion resolution, which might be six weeks or six months or three months from now, you only appropriate the amount that fits this plan. What's missing and I'm being real open about this. What's missing in this particular process is that we don't have the detailed plan you normally would have in front of you before you take the final step. But, I think, the safeguard may be that -- well it is. That we're not appropriating the money simultaneously, because normally you would do the bond and then you would appropriate the money. There are a lot of issues out there. In addition to the ones that you described, with the detailed plan, you have to find offsets in the Capital Budget. There's going to be a whole bunch of things that have to be done when it comes time to appropriate the money. But if you don't -- I'm just concerned that if you walk away from it today without having done the bond, if my understanding from that conversation is true, you may have lost an opportunity. You'll be forced to call a special meeting.

LEGISLATOR BINDER:

If we discharge, can I ask that Mr. Rothman be asked to come Tuesday?

CHAIRMAN BISHOP:

Yes, excellent. A Capital idea.

LEGISLATOR ALDEN:

On the motion though?

CHAIRMAN BISHOP:

No. We're going to put this to an end. Legislator Alden, please go ahead? But brief.

LEGISLATOR ALDEN:

Paul? Most of the bonding resolutions that we do, place the authorization right in the Comptroller's hands to go out, at any moment, whether we appropriate the money or not, he can go out and bond that money? Is that correct?

MR. SABATINO:

He can go out and borrow the money but he can't do anything because we haven't appropriated it.

LEGISLATOR ALDEN:

No but he can actually go to market and borrow the money?

CHAIRMAN BISHOP:

He's authorized to borrow.

LEGISLATOR ALDEN:

That would be similar to what we're doing here then. We're authorizing the Comptroller to go out and borrow the money?

MR. SABATINO:

That's correct, yes.

LEGISLATOR ALDEN:

Okay.

CHAIRMAN BISHOP:

Legislator Binder has an excellent suggestion, which is that we will have Bond Counsel at the meeting on Tuesday.

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

We have a motion to discharge without recommendation. Legislator Binder has raised a number of relevant points. Are you going to put those in writing? How are we going to pursue it from here?

LEGISLATOR BINDER:

This is what I like to do. I'm going to put them in writing to Legislator Caracciolo. I'd also like -- even if you can take them down -- if Budget Review Office, Tom Isles, if they can pursue this also. If we can pursue this with all dispatched before next Tuesday, I think, we could -- we might even have a lot of this answered.

CHAIRMAN BISHOP:

Maybe with similar to an Executive Session type of situation. The Presiding Officer's Office is advised that we're likely to need at least a half-hour of meeting time on Tuesday.

LEGISLATOR ALDEN:

One other suggestion.

CHAIRMAN BISHOP:

We're meeting in the evening on Tuesday?

LEGISLATOR BINDER:

Yes. That's an evening meeting.

LEGISLATOR ALDEN:

Mr. Chairman? One other suggestion?

CHAIRMAN BISHOP:

When will you schedule that? And this is the reason we're doing it there and not in committee is that, we believe, we're under an obligation to address it in October, otherwise we lose out completely.

LEGISLATOR ALDEN:

Mr. Chairman, one other suggestion? We should -- actually all of them should be discharged without recommendation, because they're different dollar amounts and if we find out --

CHAIRMAN BISHOP:

Right.

LEGISLATOR ALDEN:

The answers to the questions are that --

CHAIRMAN BISHOP:

Agreed, agreed. Okay, agreed.

MR. ISLES:

Mr. Bishop, I have two comments on the content, which I was going to mail to Mr. Caracciolo. Should I send those along as is or do you want to make those comments now? I don't want to confuse it.

CHAIRMAN BISHOP:

Comments on what?

MR. ISLES:

Comments on the resolution 1885 and just nothing major but one makes reference to the criteria system, the rating system?

CHAIRMAN BISHOP:

Right.

MR. ISLES:

The only comment on that one is that it sets a minimum level of twenty-five to qualify. That doesn't necessarily mean it's going to qualify under the statute in the program where the five criteria are listed. So just so you're aware that it may qualify under the rating system.

CHAIRMAN BISHOP:

There's no reconciliation.

MR. ISLES:

Actually -- but it may not qualify under the program.

CHAIRMAN BISHOP:

But Mr. Isles, yes Sabatino really it's for you. What we need to do is to -- we believe what we need to do that's time sensitive is to authorize the bond. It is not, at this time, to adopt the specific criteria and that's why those bills are separated, correct?

MR. SABATINO:

Right that's why there's four bills. The only ones you should really consider --

CHAIRMAN BISHOP:

The ones that we want to move out and discharge without recommendation are the authorizations for bonding at the various amounts to keep our options open. All right, so that's how we're going to proceed.

MR. SABATINO:

That's 1885A and 1886A.

CHAIRMAN BISHOP:

Right.

MR. SABATINO:

85A and 86A, those are the two options.

CHAIRMAN BISHOP:

Okay, so --

LEGISLATOR GULDI:

Question under 1885?

CHAIRMAN BISHOP:

1885A, a motion by Legislator Guldi, second by myself. Motion to discharge without recommendation. That's approved. 1886 motion by Legislator Caracciolo, second by myself - 1886A rather. All in favor? Opposed? That one too is to discharge without recommendation.

LEGISLATOR GULDI:

Motion to table 1885.

CHAIRMAN BISHOP:

Motion to table 1885 by Legislator Binder, second by myself. All in favor? Opposed?

I.R. NO. 1885 To appropriate funds and establish programmatic criteria for the 1/4 Cent Land Acquisition Borrowing Program. (\$75 Million) (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

Motion to table 1886 by Legislator Guldi, second by myself. 1886 is tabled.

I.R. NO. 1886 To appropriate funds and establish programmatic criteria for the 1/4 Cent Land Acquisition Borrowing Program. (\$62 Million) (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1888 is a Charter Law to authorize low interest borrowing for land and water protection under Quarter Cent Environmental Protection Program. Motion to table by Legislator Caracciolo, second by Legislator Binder. 1888 is tabled.

I.R. NO. 1888 Adopting a Local Law No. -2001, A Charter Law to authorize low interest borrowing for land and water protection under the 1/4 Cent Environmental Protection Program. (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

I don't know why you'd want to move those people out of order and make appointments. It only took about an hour.

LEGISLATOR GULDI:

Only the ones that are here. I was afraid they were going to resign.

CHAIRMAN BISHOP:

All right, we have a -- we have no CEQ. I don't see the red jacket out there.

LEGISLATOR CARACCILOLO:

Mr. Chairman?

LEGISLATOR GULDI:

Give up.

CHAIRMAN BISHOP:

He said the red jacket.

LEGISLATOR CARACCILOLO:

On this issue of EFC and borrowing? Just one other thing that needs to be addressed and that is the issue of whether or not --

LEGISLATOR GULDI:

Can we address that on Tuesday, when we're all there?

LEGISLATOR CARACCILOLO:

We're leading up to Tuesday. We need to have the County Attorney present to address the issue of whether or not we can borrow this money outside the Capital Program and Budget.

LEGISLATOR GULDI:

Actually, I think the suggestion that we already have before us is not the County Attorney.

LEGISLATOR CARACCILOLO:

We've already checked with Bond Counsel. Legislator Bishop and I spoke with Bond Counsel and he said --

LEGISLATOR GULDI:

Bond Counsel on --

LEGISLATOR CARACCILOLO:

That's on the other issues.

LEGISLATOR GULDI:

Not the County Attorney?

LEGISLATOR CARACCILOLO:

No. On the other issues, we need Bond Counsel. On the question of whether or not you can borrow outside of Capital Program and Budget, he told us in the conversation --

CHAIRMAN BISHOP:

He said --

LEGISLATOR GULDI:

I want to hear from Bond Counsel.

LEGISLATOR CARACCILOLO:

You can hear from him and he'll tell you --

CHAIRMAN BISHOP:

It's not my bailiwick.

LEGISLATOR CARACCILOLO:

Right. He told us it's the County Attorney's bailiwick. That's what he told Dave and I in a conference call. Okay. So make sure Mr. Chairman; we have the County Attorney here to --

CHAIRMAN BISHOP:

We don't pay him enough for that.

LEGISLATOR ALDEN:

Mr. Chairman?

LEGISLATOR GULDI:

If we've got to go to the County Attorney for advice on bonds, why do we have to meet Bond Counsel?

CHAIRMAN BISHOP:

Because it's not advice on the bonds, it's about our rules regarding offsets.

LEGISLATOR GULDI:

Who's buying the bonds? In the securities market, I want Bond Counsel on the hook on that and I wouldn't take the County Attorney's opinion.

CHAIRMAN BISHOP:

He'll be here. We'll invite Bond Counsel anyway.

LEGISLATOR ALDEN:

Mr. Chairman?

LEGISLATOR FISHER:

What about EFC? Would it be possible to get them here?

LEGISLATOR CARACCILO:

We can make the request.

CHAIRMAN BISHOP:

We'll make the request. Right. This is going to be some night meeting.

LEGISLATOR GULDI:

Oh yes.

LEGISLATOR ALDEN:

Mr. Chairman?

LEGISLATOR GULDI:

A fear of all nightmare meetings. It could be worse, it could be Riverhead.

LEGISLATOR ALDEN:

One other thing and if somebody could carry this back to the County Executive, he should be prepared for a Certificate of Necessity, if we find out that neither one of these two dollar amounts is doable?

CHAIRMAN BISHOP:

Right.

LEGISLATOR ALDEN:

So he should be prepared? Thank you.

LEGISLATOR GULDI:

Whatever it is you have to do it is the way you have to do it, right. Can we do the agenda?

CHAIRMAN BISHOP:

You're carrying all those messages back?

LEGISLATOR GULDI:

So that this doesn't become a night meeting.

CHAIRMAN BISHOP:

What? He's saying that the -- but that in order to insure that the revenue can { defease} the bonds without --

LEGISLATOR GULDI:

{ Defease} ?

CHAIRMAN BISHOP:

{ Defease} without borrowing from taxpayer --

LEGISLATOR GULDI:

Talk about English.

CHAIRMAN BISHOP:

Funds elsewhere. It may come in at a different amount; therefore, the County Executive may be called upon to issue a Certificate of Necessity.

LEGISLATOR GULDI:

That's already been said. Can we do the agenda? Gee's --

CHAIRMAN BISHOP:

Oh boy. All right.

LEGISLATOR GULDI:

If you don't mind.

CHAIRMAN BISHOP:

No CEQ's, no non-primes. Up to tabled prime 1185.

MR. SABATINO:

You need a Town Board Resolution.

CHAIRMAN BISHOP:

Need Town Board. Motion to table, second by myself.

LEGISLATOR FISHER:

I missed 18 --

LEGISLATOR GULDI:

Tabled.

LEGISLATOR FISHER:

Tabled.

LEGISLATOR GULDI:

For a public hearing. Motion to table.

TABLED PRIME:

I.R. NO. 1185 Approving acquisition under Suffolk County Land Preservation Partnership Program. (Ridgehaven Estates LLC Property) Town of Brookhaven. (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1230 environmentally sensitive lands to be acquired under the current funding Article 12. What is this? Oh, this is the Pine Barrens. Okay. Motion to table by Legislator Binder, second by Legislator Alden. All in favor? Opposed? I'm opposed.

I.R. NO. 1230 Authorizing Acquisition of Environmentally Sensitive Lands to be acquired with current funding pursuant to Article XII of the Suffolk County Charter. (County Executive)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

1265 approving acquisition under the Suffolk County Land Partnership Preservation Program, Portion Road, Lake Ronkonkoma.

LEGISLATOR GULDI:

Zero. This is the zero ranked part.

CHAIRMAN BISHOP:

He got zero ranked and he doesn't have a Town --

MR. ISLES:

That was also then reviewed again by the Parks Trustees a second time and they did recommend it.

LEGISLATOR FIELDS:

But it still has a zero rating, correct?

LEGISLATOR GULDI:

Excuse me, I didn't hear what you said. Did you say did? Or did not?

CHAIRMAN BISHOP:

They did recommend.

MR. ISLES:

They did recommend. They went through it again. They looked at it again and they did recommend it.

LEGISLATOR GULDI:

With a zero rating?

MR. ISLES:

Yes but what they did do is they said it doesn't rate anything, in terms of the standard criteria. What they looked at were other parcels of acquisition in the Lake Ronkonkoma area and tied it into that. And they felt that, as a network, a string of parks that it could qualify.

LEGISLATOR FIELDS:

Dave, may I ask him a question?

CHAIRMAN BISHOP:

You may ask a question.

MR. ISLES:

There is a resolution. I'm sorry.

LEGISLATOR FIELDS:

If someone were to introduce a resolution that all planning steps from this point forward have a letter from the owner saying that they are a willing seller. What would that do to the program?

CHAIRMAN BISHOP:

We're not fighting this battle now.

LEGISLATOR FIELDS:

No, I would like to ask that question. I think it's a very --

CHAIRMAN BISHOP:

It would shut it down.

LEGISLATOR FIELDS:

Because it comes before -- I'm asking, on the record, what would happen to the program?

MR. ISLES:

I think we'd have to look at that and think about it.

LEGISLATOR FIELDS:

Well that's what I'm asking. If we look at it right now, what would that do to the program?

LEGISLATOR GULDI:

I can tell you as a real estate --

LEGISLATOR FIELDS:

No, I'm asking Mr. Isles.

LEGISLATOR GULDI:

Any frame of mind --

LEGISLATOR FIELDS:

Wait, wait, wait.

LEGISLATOR GULDI:

Whoever asked, would they sign a letter saying they're a willing seller. I tell them no, you're out of your mind.

LEGISLATOR BINDER:

Use a different word. How about it if there were just willing to open the discussion? Right, they would be open. They would be open to looking at this --

CHAIRMAN BISHOP:

Okay, I'm going to terminate this debate and I'm going to move the a --

LEGISLATOR FIELDS:

It's not a debate. I'm asking Mr. Isles for an answer to a question.

CHAIRMAN BISHOP:

You've asked and answered, as they say in -- he answered it, let's move on, please? So the question before us is dedicating certain lands to the Suffolk County Nature Preserve. Oh no, I'm approving the Land Partnership Preservation on Portion Road. Is there a motion?

LEGISLATOR GULDI:

Table.

CHAIRMAN BISHOP:

Motion to table by Legislator Guldi. Is there a second on the tabling?

LEGISLATOR CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Second by Legislator Caracciolo. All in favor? Opposed? Note the opposition of Binder and Alden.

LEGISLATOR CARACCILOLO:

For the record Mr. Chairman, just so Legislator Caracappa gets the correct feedback. We do not have any fund balances in Land Partnership.

MR. GRECCO:

We are oversubscribed.

LEGISLATOR CARACCILOLO:

Thank you.

CHAIRMAN BISHOP:

There's a fund balance but they're oversubscribed.

LEGISLATOR ALDEN:

On the a --

CHAIRMAN BISHOP:

All right, listen Heckle and Jeckel, can we just --

LEGISLATOR BINDER:

No, no, we're not.

LEGISLATOR ALDEN:

They're didn't -- interest in their comment.

LEGISLATOR BINDER:

Right, it was just a comment.

LEGISLATOR ALDEN:

No we're going to table all resolutions where the fund balance doesn't exist. Good, good. So there's no more --

LEGISLATOR BINDER:

Everything gets tabled.

CHAIRMAN BISHOP:

But let me --

LEGISLATOR BINDER:

Right, everything, including your --

CHAIRMAN BISHOP:

Gentlemen let me clarify something? He's not saying there is not a fund balance. There is money in the fund. It is oversubscribed. So there's 20 million dollars of wishes of 10 million dollars in --

LEGISLATOR BINDER:

But why shouldn't this compete and then why shouldn't this land Mr. Caracciolo, compete with the other land that's out there, when if this closes first, then this closes before the other one's do.

LEGISLATOR ALDEN:

And the resolutions we pass today --

LEGISLATOR CARACCAPPA:

I would just note for my colleagues --

LEGISLATOR ALDEN:

Appraising acquisitions.

LEGISLATOR CARACCILOLO:

And colleagues that earlier on today's agenda, there were three resolutions that I am sponsoring. That we do not have program funding for and I tabled them. I am being absolutely and positively consistent.

CHAIRMAN BISHOP:

Okay, we've made the motion. We've taken the vote and we've had a little post vote discussion, very healthy.

I.R. NO. 1265 Approving acquisition under Suffolk County Land Preservation Partnership Program at Portion Road in Lake Ronkonkoma, Town of Brookhaven. (Legislator Joseph Caraccappa)

VOTE: 5-2-0-0 TABLED

CHAIRMAN BISHOP:

1337 dedicating certain lands now owned by the County of Suffolk to the Nature Preserve.

This is the woodlands in Hauppauge, Legislator Crecca. Is this the right of way? Easement?

LEGISLATOR GULDI:

Motion to table.

MR. ISLES:

We have no further information.

CHAIRMAN BISHOP:

What does Legislator Crecca wish to do? He's not --

LEGISLATOR GULDI:

He wants to A, obviously, he wants to dedicate it to the Nature Preserve otherwise he wouldn't have put it in the bill.

CHAIRMAN BISHOP:

I had heard that he had requested the tabling. All right.

LEGISLATOR GULDI:

Motion to table anyway because --

CHAIRMAN BISHOP:

Legislative Counsel, when does this six-month out?

LEGISLATOR GULDI:

Six months after it was introduced.

MR. SABATINO:

December 31st.

CHAIRMAN BISHOP:

This is going to linger. Motion to have it tabled by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? 1337 is tabled.

I.R. NO. 1337 Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law. (Woodlands in Hauppauge) (Legislator Andrew Crecca)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1493 is an active parkland in Lindenhurst. Motion to table by myself, second by Legislator Binder. All in favor? Opposed? 1493 is tabled.

I.R. NO. 1493 Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst. (Town of Babylon) (Legislator David Bishop)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1494 is Charter Law to promote Smart Growth by diversifying the composition of the Planning Commission, Legislator Fields. Motion to table, second by myself. 1494 is tabled.

I.R. NO. 1494 Adopting Local Law No -2001, A Charter Law to promote Smart Growth by diversifying composition of County Planning Commission. (Legislator Ginny Fields)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1502 is directing Suffolk County Planning Department to establish an RFP Committee, an RFP policy for securing grants for the Soil Water Conservation District. Motion by Legislator Fields, second by myself. All in favor? Opposed? Motion to approve. Why would we --

LEGISLATOR GULDI:

Because she wants to. I'll second the motion.

CHAIRMAN BISHOP:

You did the other ones in the other department.

LEGISLATOR FIELDS:

No, because Commissioner Isles pointed out that it might not be a good idea to have the Planning Department behind it but that we should have somebody from Soil and Water and we're in the process of changing the bill.

MR. ISLES:

At the last meeting that was discussed.

CHAIRMAN BISHOP:

It says Soil and Water. Motion to table by Legislator Fields, second by myself. All in favor? Opposed?

I.R. NO. 1502 Directing County Planning Department to establish RFP Policy for securing grants for Soil and Water Conservation District. (Legislator Ginny Fields)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

We handled 15 -- we didn't do 1523. Resolution to --

LEGISLATOR GULDI:

We tabled it.

CHAIRMAN BISHOP:

We tabled him.

LEGISLATOR GULDI:

1525 is next.

CHAIRMAN BISHOP:

1524 was approved. 1525.

LEGISLATOR GULDI:

Motion to approve. We have correspondence and a resume for Sara Meyland. It's misspelled on the --

CHAIRMAN BISHOP:

Right, it's not Meynard, it's Meyland.

LEGISLATOR GULDI:

The resume and the letter, I think, answered everyone's concerns, both as to West End representation and qualification under a willingness to serve.

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion, Legislator Alden.

LEGISLATOR ALDEN:

Traditionally, we -- you know and I did this in non-paid but I also did it in Consumer Protection. We've had people on new appointments come down and answer questions. So until those people come down or have the opportunity to come down, I would still like to see this tabled to give them the opportunity to come down and answer those questions.

LEGISLATOR GULDI:

As the letter before you indicates, today is the first day of class. She is on the Faculty of the University and could not join us here for these discussions, so--

CHAIRMAN BISHOP:

Did she make --?

LEGISLATOR GULDI:

You have a sufficient record to make a determination.

CHAIRMAN BISHOP:

Motion to approve by Legislator Guldi, second by Legislator Fields. Is there a motion by you guys? No motion. All in favor? Opposed? Legislator Alden abstains.

I.R. NO. 1525 Resolution approving appointment of member of Suffolk County Panel on Groundwater Protection. (Sara Meyland) (Legislator George Guldi)

VOTE: 6-0-1-0 APPROVED

CHAIRMAN BISHOP:

All right.

MR. SABATINO:

Mr. Chairman, just to correct on the record. Before when you asked on the six-month rule for 1337? It's the end of October. I made a mistake. It's eligible for one more cycle, so I just doubled checked the record.

CHAIRMAN BISHOP:

Time is running out on those things. All right, Julie Penny, we did earlier. 1600 is approving acquisition under the Suffolk County Land Partnership Program. Property in Middle Island, Town of Brookhaven, sponsored by Legislator Towle. Legislator Caracciolo makes a motion to table. Is there a second? Second by myself. All in favor? Opposed? Abstention by Legislator Alden.

I.R. NO. 1600 Approving acquisition under Suffolk County Land Preservation Partnership Program (Property in Middle Island) Town of Brookhaven. (Legislator Fred Towle)

VOTE: 6-0-1-0 TABLED

CHAIRMAN BISHOP:

1654 is creating a Suffolk County Smart Growth Committee. Why was this tabled previously?

MR. SABATINO:

This has been tabled because --

MR. ISLES:

Because the issues -- I'm sorry.

MR. SABATINO:

There's a problem with the language of the bill. I know a corrected copy was filed but it's still a problem because the resolve clause doesn't really -- it just says the committee is going to make recommendations. But it's not clear on what they're going to make recommendations about.

LEGISLATOR GULDI:
Smart recommendations.

MR. ISLES:
The original language -- okay.

LEGISLATOR GULDI:
Motion to table takes precedence. Oh, okay.

LEGISLATOR FISHER:
I made a motion to table.

CHAIRMAN BISHOP:
Mr. Isles, do you want to speak on it?

MR. ISLES:
Just to let you know the draft of the original resolution came exactly from the recommendation of the Smart Growth Plan done last year that a committee be formed and the charge of the committee. So that's where you originally put into the resolution. There were issues with that. So we changed it to try to accommodate the desires of this committee. If there's still further issues you have, however, explicit you could be with that, in terms of what you would like us to see changed, we'll be happy to do that. We're just not clear on how you would like us to change it.

MR. SABATINO:
The problem is -- it says, resolved that the Smart Growth Committee shall provide recommendations to the County Executive and the County Legislature. The change that was made between last meeting and this one is that instead of saying a hundred and eighty days, now it says eight months. The problem that I outlined two meetings ago is that you don't know what the Smart Growth Committee is going to make recommendations on, because the clause has to say, make recommendations on what? On a report that was submitted to, on the concept of Smart Growth in general? I mean we've already done the study. The Smart Growth Plan was done, so are they going to rewrite a new plan? I mean the point is that the resolved clause has to say what it is that they're going to make -- what they're going to review and what they're going to make recommendations on.

MR. ISLES:
The last time we were told there were three issues. Pardon me.

LEGISLATOR GULDI:
Why don't you put those three issues in to the specific --?

MR. ISLES:
Well, we did. We put them in, which was the -- we needed a sunset provision.

MR. SABATINO:
That was put in.

MR. ISLES:
There was concern about the word implementation and there was a request to put the word in prioritize. Because the purpose of this is to review the forty six recommendations of the plan to have a committee review and assess those recommendations and to recommend to the Executive and legislative branches how Smart Growth can be implemented in Suffolk County by prioritizing what came out of the plan. That's what we want to do.

LEGISLATOR GULDI:
That's what the resolved clause says.

MR. ISLES:

We were told last time to make three changes.

CHAIRMAN BISHOP:

A motion to approve by Legislator Alden.

LEGISLATOR GULDI:

I withdraw the tabling.

LEGISLATOR FISHER:

I'm withdrawing my tabling motion.

CHAIRMAN BISHOP:

Second by myself. All in favor? Opposed? 1654 is approved.

I.R. NO. 1654 Creating a Suffolk County Smart Growth Committee. (County Executive)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1666 is implementing Quarter Cent or the one point four cent Taxpayer Protection Program, Lindenhurst Property. What's the status with this one? CEQ? It's about time. Do we have a SEQRA on this?

LEGISLATOR GULDI:

The red jacket is not here.

LEGISLATOR FISHER:

No red jacket.

LEGISLATOR GULDI:

No red jacket, baby. Motion to table.

CHAIRMAN BISHOP:

No, I think this was Tom Isles, who was holding you up.

MR. ISLES:

I don't have my red jacket but -- No, I don't think we have SEQRA on this.

LEGISLATOR GULDI:

Tom, I didn't know you had a red jacket.

MR. ISLES:

I'll have to get one.

MR. SABATINO:

The reason it was tabled last time was that the statement was made that you needed -- what the CEQ is working on a site plan for the details so --

MR. ISLES:

This does require a SEQRA.

LEGISLATOR GULDI:

Sure and it will be a short statute.

CHAIRMAN BISHOP:

No, it's going to be a heroic scale, much larger than the actual one. I know by acclamation that's what all of you want but we're not going to do that. Go ahead.

MR. ISLES:

Okay, well it does need CEQ. It is required. Prior to going CEQ, we would need a site plan depicting what's intended, the property is intended to be used for.

CHAIRMAN BISHOP:

The Village of Lindenhurst for a site plan?

MR. ISLES:

Right somebody to do a site plan, right.

CHAIRMAN BISHOP:

My fault, okay. Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed?

I.R. NO. 1666 Implementing Pay-As-You-Go 1/4 Cent Taxpayer Protection Plan for Water Quality Protection and Restoration Program to acquire Lindenhurst property bordering Great South Bay. (Legislator David Bishop)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1667 is creating a Regional Forestry Council. Legislator Cooper requests tabling. Motion by Legislator Caracciolo to table, second by Legislator Guldi. All in favor? Opposed? 1667 is tabled.

I.R. NO. 1667 Creating Regional Forestry Council for Suffolk County. (Legislator Jon Cooper)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1668 implementing Greenways Program in connection with active parkland at Three Village Swim and Racquet Club. Motion by Legislator Fisher to table.

LEGISLATOR GULDI:

What is the number?

CHAIRMAN BISHOP:

I think it's enlightening to read it.

LEGISLATOR GULDI:

You want to get out of here now? You?

CHAIRMAN BISHOP:

All in favor? Opposed? Fisher made the motion to table. I seconded it.

I.R. NO. 1668 Implementing Greenways Program in connection with acquisition of Active Parklands at Three Village Swim and Racquet Club (Town of Brookhaven) (Legislator Vivian Fisher)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1687 transferring certain lands now owned by the County to the County Department of Parks and Recreation and Portion Road Corridor, Lake Ronkonkoma.

MR. ISLES:

Yes, it was withdrawn.

CHAIRMAN BISHOP:

Withdrawn, best of all. 1688 authorizing planning steps for implementing Greenways Program in connection with the acquisition of active parks, Portion Road Corridor, Lake Ronkonkoma. Was this withdrawn? Or what?

LEGISLATOR GULDI:

Planning steps.

MR. SABATINO:

It's planning steps but there was a corrected copy that was filed to switch it from Active Parkland to Open Space.

MR. GRECCO:

May I speak on this? If that's the case then, I believe you should be aware that we again, are oversubscribed. We are running out of funds. In that fund, as well, as the point that I believe it needs a ranking.

CHAIRMAN BISHOP:

It's planning steps only.

MR. GRECCO:

I understand that.

CHAIRMAN BISHOP:

Oh, it's not planning steps?

MR. SABATINO:

It was switched from Active Parkland to Open Space.

LEGISLATOR GULDI:

1688 is authorizing planning steps.

CHAIRMAN BISHOP:

Maybe the body no longer matches the title. When they change programs and --

MR. GRECCO:

The Greenways Open Space Program always had rankings and I believe, you know we should have a ranking first, so you can decide what you want to do.

MR. SABATINO:

It was converted. It was --

CHAIRMAN BISHOP:

I'll tell you what we're going to do. We're going to come back to it. We'll come back to it. No, we came back to the other one before.

LEGISLATOR GUDLI:

No, we didn't?

CHAIRMAN BISHOP:

1717 is authorizing planning steps for the acquisition of land Pay-As-You-Go Quarter Cent Taxpayer Protection Program, Main Street in Holbrook. Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? 1717 is tabled.

I.R. NO 1717 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land on Main Street, Holbrook, Town of Islip)

ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator William Lindsay)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1718 similar planning steps acquisition of other property Pay-As-Go Quarter Cent Taxpayer Protection Program, Lincoln Avenue, Holbrook. Motion by myself to table, second by Legislator Caracciolo.

I.R. NO. 1718 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land on Lincoln Avenue, Holbrook, Town of Islip)
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator William Lindsay)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1733 is appropriating Greenways Infrastructure Improvement Fund for Miller Place Property, Town of Brookhaven. This is the Capital Fund; the hundred thousand-dollar grant?

LEGISLATOR FISHER:

It's not the Wedge. This is Miller Place. The Wedge is in Mount Sinai.

MR. SABATINO:

It's awaiting a resolution from the organization.

CHAIRMAN BISHOP:

Wait, we already acquired this property?

MR. GRECCO:

No.

CHAIRMAN BISHOP:

Oh, okay. So this is the cart before the horse then?

MR. GRECCO:

Yes.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Binder. All in favor? Opposed?

I.R. NO. 1733 Appropriating Greenways Infrastructure Improvements Fund Grant for Miller Place property in the Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1737 is implementing Greenways connection with -- oh this is the horse? Right.

MR. GRECCO:

Yes.

CHAIRMAN BISHOP:

Okay, implementing Greenways Program in connection with acquisition of Active Parkland at Miller Place. This is a sod farm.

MR. GRECCO:

This is sod farm. We do have a willing seller.

CHAIRMAN BISHOP:

And it would be perfect for Greenways Active Recreation?

MR. GRECCO:

Yes.

COMMISSIONER SCULLY:

No SEQRA. It's been tabled by the Parks Trustees.

CHAIRMAN BISHOP:

Why? Why the Parks Trustees concern?

COMMISSIONER SCULLY:

They had made the concern at their --

CHAIRMAN BISHOP:

First of all, they're not binding on us.

COMMISSIONER SCULLY:

No, they're advisory.

CHAIRMAN BISHOP:

I always like to point out --

COMMISSIONER SCULLY:

They raised the issue that the County has been less than successful in siting recreational facilities since the implementation of the Greenways Program, largely in response to community concerns and in reviewing the very simplified plan that was brought before them depicting this parcel, this is five thousand feet long and six hundred feet wide. They observed that the buffer to adjoining residences was less than fifty feet or about fifty feet and expressed concern that before the County committed to an acquisition, it ought make sure feels out the community with respect to the siting of that.

CHAIRMAN BISHOP:

So what's happening there? Are you and Haley having a meeting with the community or what's going on?

COMMISSIONER SCULLY:

Well, I've been discussing it with Legislator Haley, who would like to see the process moved forward. We would be much more comfortable with the planning steps resolution with respect to this --

LEGISLATOR FISHER:

Motion to table.

LEGISLATOR GULDI:

Second.

CHAIRMAN BISHOP:

Here's the situation. Let me -- the Parks Commissioner is speaking very carefully. You have a parcel that's perfect for a regional soccer park. All you have to do is line it and let them play and that's been the hardest thing to site. Legislator Haley wants this purchased. He wants to do it through the Police Athletic League, correct? Is that it?

COMMISSIONER SCULLY:

Most recent was that the Police Athletic League would be willing to maintain it but may not be willing to do the improvements. So the --

CHAIRMAN BISHOP:

But the Long Island Junior Soccer League would do the improvements, if we bought it for them, right?

COMMISSIONER SCULLY:

I would assume that they would be receptive. We haven't had any conversations with them with respect to this park.

CHAIRMAN BISHOP:

But this thing is so big that there should be enough field space for soccer, for PAL, for you know anybody, right? I mean it's enormous

LEGISLATOR GULDI:

The neighbors.

COMMISSIONER SCULLY:

It's a very uniquely shaped parcel. When I say that it's long and rectangular, I think, that Mr. Isles will agree that I'm being generous. It's a very, very long narrow strip of property where the setbacks are --

CHAIRMAN BISHOP:

To a longer road, though? I mean does it matter that it's long?

COMMISSIONER SCULLY:

I'm sorry?

CHAIRMAN BISHOP:

Is it a longer road?

COMMISSIONER SCULLY:

No.

CHAIRMAN BISHOP:

Oh, so it goes back?

COMMISSIONER SCULLY:

It has an access but it's not a long road. And you know, given our experience in other situations where we've seen proposed buffers of three hundred and fifty feet and then laughed out of the auditorium, we have a little bit of concern about that. We've been looking at active recreation in a broader sense; Mr. Isles and myself, in conjunction with the County Exec's Office try to clarify the process that was set forth by Mr. Jones and Mr. Frank, subsequent to the referendum.

CHAIRMAN BISHOP:

This is important.

COMMISSIONER SCULLY:

And the fact that nobody is following a process. Very often resolutions are submitted. We're not able to provide any information to the executive branch because nobody stopped at the department first. Earlier this year, members of this committee and last year, members of the Parks Committee, right, we raised the issue that's screening potential partners is a serious business. Because the issue whether or not they have financial wherewithal to actually improve and maintain, it is a serious business, in terms, of the County's risk in going out and spending millions of dollars on properties, only to find out potentially that their partner is not capable of doing what it says it's going to do. So in order for us to carry out that responsibility that screening process really needs to happen with the Parks Department. We'll be reaching out to Legislators hoping to increase communication and enhance this program within the coming weeks.

CHAIRMAN BISHOP:

What are you doing with this parcel and Haley? And PAL and soccer?

COMMISSIONER SCULLY:

I have had several conversations with Legislator Haley. He has been very -- he wants to

move it forward and -- but we have yet to come together and determine who exactly would make the improvements.

CHAIRMAN BISHOP:

Okay, thank you.

LEGISLATOR GULDI:

Once a Press guy, always a Press --

CHAIRMAN BISHOP:

He's good. But I mean if we've got enough time for it. Legislator Fields.

LEGISLATOR FIELDS:

What would happen if we approve this? What would happen if we approve this and we purchase the land and then the community comes out and says we absolutely will not tolerate soccer fields, baseball fields or anything? Then what?

LEGISLATOR GULDI:

How long does it have to be put in the auction? You get a good price for it.

COMMISSIONER SCULLY:

That's a great question. I mean if you ask that question in conjunction with some of the concerns we've seen expressed at this Legislature over the past couple of years from Legislator Fisher's bill about notifying people of changes in parks use, this is growing awareness that sometimes people can restrict what you do on your adjoining property. So when we're looking at the float chart and I'll be real brief Mr. Chairman, when we're looking at the flow chart for the approval process set forth by the Planning Director and the former Commissioner Parks, in the wake of a referendum, we're thinking about formerly building in a box that says, go out to the community and do your due diligence. You can't get into a situation where you're going to commit to an acquisition.

CHAIRMAN BISHOP:

That's why, in most circumstances, it's a local partner and you would think that those issues of land use would be dealt with at the local level.

LEGISLATOR FIELDS:

But that's my point.

CHAIRMAN BISHOP:

But when you have a Town or a Village that's your partner, you don't have to worry about that.

COMMISSIONER SCULLY:

Sometimes yes and sometimes no.

LEGISLATOR FIELDS:

But that's my point Dave. If we were to buy this property and then the community comes out and says no, we're not going to tolerate this kind of use, then the County has --

CHAIRMAN BISHOP:

Well then Legislator Haley --

LEGISLATOR FIELDS:

Wait, wait, wait.

CHAIRMAN BISHOP:

We just have to have an answer. Legislator Haley would have to come back to us, the Legislature and say, I want to move it out of the Greenways Program.

COMMISSIONER SCULLY:

He does say that in his travels in that community, the response has been positive and I think that that's something he --

CHAIRMAN BISHOP:

Because they're afraid of development there and they'd rather see fields than development.

MR. GRECCO:

I've had some discussions with the owner, Delao Sod Farms. They're concerned because it is surrounded by development is that when they get out there five in the morning and they put down fertilizer and make noise etc., they realize that their time is soon to be up. So they're looking to move that site. They're also indicating to me that if we can't make this transaction happen very soon, meaning like close before the end of this year, they are going to look elsewhere. Now, a point has been made earlier about our active parks record. I think it's a good one in terms of acquisition. But we have not really got a sizeable soccer field and they're willing to put sod down for us and a number of other things. This is ready to go. This is a perfect site for your purposes. Now, the community would much rather, as I understand it, have soccer fields then tractors in their backyard.

CHAIRMAN BISHOP:

Right.

MR. GRECCO:

But the problem that I see and maybe the Commissioner can gently comment on it is that Legislator Haley wants to go through the Police Athletic League and not through the Long Island Junior Soccer League, which is the regional umbrella for all these soccer leagues, which would be the logical partner in this circle.

COMMISSIONER SCULLY:

It's not necessarily a problem of the two partners. But I see that procedurally, you do have an issue with respect to moving on this today, in as much, nobody is taking this to the Council on Environmental Quality. There's been no presentations to them nor any SEQRA declarations.

CHAIRMAN BISHOP:

Motion to table for CEQ and I'm asking the Commissioner to -- by the time it comes back and we sort of resolve who is going to use this property, who is going to be our partner?

COMMISSIONER SCULLY:

Yes, Mr. Chairman.

CHAIRMAN BISHOP:

We should work with Legislator Haley.

COMMISSIONER SCULLY:

I'll do my best.

LEGISLATOR FIELDS:

May I ask Mr. Grecco, a question?

CHAIRMAN BISHOP:

And we'll talk to him as well. Yes, Legislator Fields has a question.

LEGISLATOR FIELDS:

You had discussions with the owner on this property?

MR. GRECCO:

Yes.

LEGISLATOR FIELDS:

How do you have discussions with the owner before we've approved the planning steps?

CHAIRMAN BISHOP:

A bunch of properties that are --

MR. GRECCO:

I've met at Legislator Haley's Office and he just sort of brainstormed it with the Delao people who either came to him or he came to them. But we've had discussions and they've indicated look, we're going to make a move. We're going to do something. We're going to sell to a developer and we're going to buy property out east or we're going to sell to you. But they want to close for tax reasons before the end of the year and that's what I'm just conveying to you. That they have a willingness to sell and if it's not going to happen soon, it's going to be a lost opportunity,

CHAIRMAN BISHOP:

Right.

LEGISLATOR CARACCILOLO:

Where exactly is the property?

MR. GRECCO:

The property is literally across the street from his office. It is -- if you take Route 25A, on the south side, it goes all the way and makes an L to Miller Place, Yaphank Road. It's a huge piece of property. A big sod farm between two developments.

CHAIRMAN BISHOP:

And that's not a site for multiple recreational uses?

LEGISLATOR GULDI:

If it doesn't work for multiple, maybe we can always make it a housing project.

MR. GRECCA:

It's a very good site, yes.

CHAIRMAN BISHOP:

Excellent, okay. Let's try to get this thing resolved, so we can pick it up. All right, motion to table by Legislator Guldi, second by myself. 1737 is tabled. Opposed by Legislator Binder.

I.R. NO. 1737 Implementing Greenways Program in connection with acquisition of Active Parklands at Miller Place (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

1787 is authorizing planning steps and implementing the Greenways Program in connection with the acquisition of Active Parkland at Jericho Turnpike. Legislator Binder wishes to have this tabled, second by Legislator Caracciolo. All in favor? Opposed? Is that the one you visited in the rain? Michael?

I.R. NO. 1787 Authorizing planning steps for implementing Greenways Program in connection with acquisition of Active Parklands at Jericho Turnpike (Town of Huntington) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

All right, 1788 is authorizing planning steps for acquisition under the Multifaceted Land Preservation Program, Jill Estates in Dix Hills. Motion to table by Legislator Binder, second by myself.

I.R. NO. 1788 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates Property at Dix Hills) Town of Huntington.
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

LEGISLATOR FISHER:

What happened with that?

CHAIRMAN BISHOP:

We're going to find out because it's the next one. 1789 authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Emerald Estates Property.

LEGISLATOR BINDER:

I'm going to make a motion to table because I want to bring Huntington here.

CHAIRMAN BISHOP:

What are we going to do since the program doesn't exist until next year?

LEGISLATOR BINDER:

I've had -- we've had discussions about the very minimal cost of using operating funds to be able to do this. And so, I think we're going to be able to resolve this by the next meeting. The other answer to the question is, it started raining by the end of our walk, as I'm limping and hobbling on a bad leg and he kept walking. I don't know Mike's thing. He just kept walking. I thought a little bit, he'd look, he'd see. No, he had to walk to the other end until it started raining on him. That's what he had to do.

LEGISLATOR GULDI:

Mr. Grecco, with respect to the issue of having no funds for planning steps. A large portion of our outlay for planning steps is the cost of outside appraisers, is it not?

MR. GRECCO:

That is correct.

LEGISLATOR GULDI:

We have a list of approximately thirty outside appraisers?

MR. GRECCO:

Yes sir.

LEGISLATOR GULDI:

When -- how long does the average appraisal ordered say the end of September? How fast would you expect it to be completed?

MR. GRECCO:

Probably by November.

LEGISLATOR GULDI:

By November. What is the average lag time during, which -- from the time our appraisers complete the invoice for an appraisal until they get paid?

MR. GRECCO:

I know what you're saying. Yes, they would get paid next year, however --

LEGISLATOR GULDI:

They would get paid next year anyway.

MR. GRECCO:

But if the program doesn't pass, I know it seems unforeseeable, but if the program doesn't pass, I don't even have authority to pay them.

LEGISLATOR GULDI:

I understand what you're saying.

CHAIRMAN BISHOP:

But wait, wait.

MR. GRECCO:

But also I've been advised by --

CHAIRMAN BISHOP:

What do you mean by --?

MR. GRECCO:

Of the Budget Office that I am not authorized to expend any money for any future program where bond money is involved. Because part of the terms of the bond is not to pay for things that had been previously incurred. I've been advised of that.

CHAIRMAN BISHOP:

Mr. Grecco? Commissioner, right?

MR. GRECCO:

Director.

CHAIRMAN BISHOP:

Director.

LEGISLATOR GULDI:

Sub-Commissioner.

CHAIRMAN BISHOP:

When you say the program does not exist, the program is in the Capital Budget?

LEGISLATOR GULDI:

Correct.

CHAIRMAN BISHOP:

It exists as a program. I mean if the appropriations are not made?

LEGISLATOR GULDI:

Yes but everything, I mean hold on. Anything we've ever approved, if we not appropriate it, even after we've incurred planning steps --

CHAIRMAN BISHOP:

Right.

LEGISLATOR GULDI:

The vendor always has a risk of not appropriation with the government. Isn't that true?

CHAIRMAN BISHOP:

Isn't that true? All right.

LEGISLATOR BINDER:

Why -- vendors that way.

LEGISLATOR GULDI:

Wait a minute. I want to find a --

MR. GRECCO:

Put it under a --

LEGISLATOR GULDI:

Is there a problem --?

MR. GRECCO:

That I can --

CHAIRMAN BISHOP:

We're done now.

LEGISLATOR BINDER:

Let's not be seeing this and unreliable with the County, George.

CHAIRMAN BISHOP:

We're done. All right, I have a motion to -- what you're upset Allan?

MR. GRECCO:

No, no.

CHAIRMAN BISHOP:

All right.

MR. GRECCO:

Just tired.

CHAIRMAN BISHOP:

Legislator Fisher makes the motion to adjourn, second by myself. Oh, wait excuse me. Hold on. Thank you, Legislator Alden. I apologize.

LEGISLATOR GULDI:

1788 motion to table.

I.R. NO. 1788 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates Property at Dix Hills) Town of Huntington.

ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

Where is 1688?

LEGISLATOR GULDI:

That's the shack near Lake Ronkonkoma with the zero rating.

CHAIRMAN BISHOP:

Everybody has to calm down.

LEGISLATOR FISHER:

1796 is not voted on. 1688 is not voted on and 1789 is tabled.

LEGISLATOR GULDI:

1789 is tabled.

I.R. NO. 1789 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Emerald Estates Property at East Northport) Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

—
LEGISLATOR FISHER:
Right.

CHAIRMAN BISHOP:
Correct, okay. Yes and we're going to start to vote on them right this second. I appreciate your patience and your guidance. The first one is what?

LEGISLATOR GULDI:
1796.

CHAIRMAN BISHOP:
1796 the very first resolution we had today. Authorizing planning steps for the acquisition of land under Pay-As-You-Go Quarter Cent Taxpayer Program. Havens Estate in Center Moriches, Town of Brookhaven.

LEGISLATOR CARACCILO:
That's the 7-acre piece?

LEGISLATOR GULDI:
Yes that's the 7-acre piece.

LEGISLATOR CARACCILO:
Motion to approve.

LEGISLATOR GULDI:
Second. Yes, I believe we do on this one.

LEGISLATOR BINDER:
Is there an interest by the seller?

MR. GRECCO:
We have no information on this.

CHAIRMAN BISHOP:
Motion to table until we have further information.

LEGISLATOR GULDI:
Hold on.

LEGISLATOR BINDER:
There are questions on this, I'm not going to --

LEGISLATOR GULDI:
I'm opposed to the tabling. I'm totally opposed to it. We start doing this, we just shot our programs down. Most of this acquisition, most of the 3500 acres that I know of that we've acquired has been acquired from sellers who, at the time we passed the resolution said, they were not interested in selling it to the County. They were pushing forward with their subdivision. So I totally -- I think it's totally -- if you want to vote it down because you don't want to be in the Acquisition and Land Preservation, do that. You want to play games about who is a willing seller and not, I suggest that we dispense it.

LEGISLATOR ALDEN:
Mr. Chairman?

CHAIRMAN BISHOP:
Motion to table by Legislator Binder, seconded by Legislator Alden.

LEGISLATOR ALDEN:
Would this motion take precedent? Motion to have Legislator Alden removed from this committee, forcibly? Forcibly if not --

CHAIRMAN BISHOP:
That motion is out of order.

LEGISLATOR GULDI:
Legislator Alden can remove himself from the committee any time.

CHAIRMAN BISHOP:
Motion to table having been made and seconded. All in favor of tabling? Opposed to tabling?

LEGISLATOR GULDI:
Opposed.

CHAIRMAN BISHOP:
One, two, three, four are opposed. That's Fisher, Guldi, Fields and Caracciolo. Motion to approve having been made by Legislator Caracciolo, second by Legislator Guldi. All in favor? All opposed or abstain? Two abstentions. All right.

I.R. NO. 1796 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/3% Taxpayer Protection Program (Land adjacent to Havens Estate, Town of Center Moriches, Town of Brookhaven. (Legislator Fred Towle)

VOTE: 5-0-2-0 APPROVED

CHAIRMAN BISHOP:
And what's the other one that we need to get to?

CHAIRMAN GULDI:
1688 motion to table.

CHAIRMAN BISHOP:
1688, where is that?

LEGISLATOR GULDI:
Wait a minute. We're either in the business or we're not. This is the one with the zero rating.

CHAIRMAN BISHOP:
Motion to table by Legislator Guldi, second by myself. All in favor? Opposed? Two abstentions.

R. 1688 Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Portion Road Corridor, Lake Ronkonkoma/Ronkonkoma (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Joseph Caracappa)

VOTE: 5-0-2-0 TABLED

CHAIRMAN BISHOP:

All right. Now are you guys going to vote for adjourning or do you want to stay? Okay, motion to adjourn by myself, second by Legislator Fisher. All in favor? Opposed? We stand adjourned.

(The meeting was adjourned at 6:45 P.M.)

{ } Denotes spelled phonetically